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LEGISLATIVE HISTORY

Public Law 87-345  
H. R. 2010

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## INDEX AND SUMMARY OF H. R. 2010

Jan. 6, 1961	Rep. Gathings introduced H. R. 2010 which was referred to the House Agriculture Committee. Print of bill as introduced.
Mar. 23, 1961	House subcommittee voted to report H. R. 2010 to the full committee.
Apr. 18, 1961	House committee voted to report (but did not actually report) H. R. 2010.
Apr. 24, 1961	House committee reported H. R. 2010 with amendments. H. Report No. 274. Print of bill and report.
Apr. 27, 1961	House Rules Committee granted open rule on H. R. 2010. (Daily Digest)
May 1, 1961	House Rules Committee reported a resolution for consideration of H. R. 2010. H. Report No. 322. Print of resolution and report. H. Res. 271.
May 10, 1961	House began debate on H. R. 2010.
May 11, 1961	House passed H. R. 2010 as reported.
May 15, 1961	H. R. 2010 was referred to Senate Agriculture and Forestry Committee. Print of bill as referred.
May 23, 1961	Sen. McCarthy and others introduced S. 1945 which was referred to Senate Agriculture and Forestry Committee. Print of bill as introduced and remarks of Sen. McCarthy.
Jul. 18, 1961	Senate subcommittee approved for consideration of H. R. 2010 by the full committee.
Jul. 19, 1961	Senate committee voted to report (but did not actually report) H. R. 2010.
Jul. 25, 1961	Senate committee reported H. R. 2010 with an amendment. S. Report No. 619. Print of bill and report.
Aug. 25, 1961	Sen. McCarthy submitted a proposed amendment to H. R. 2010.



## INDEX AND SUMMARY OF H. R. 2010 Cont'd

Aug. 29, 1961	Sen. Keating submitted proposed amendment to H. R. 2010.
Sept. 8, 1961	Senate began debate on H. R. 2010.
Sept. 11, 1961	Senate passed H. R. 2010 with amendments. Senate conferees were appointed.
Sept. 12, 1961	Rep. Coad objected to sending H. R. 2010 to conference.
Sept. 13, 1961	House Rules Committee reported resolution to send H. R. 2010 to conference. H. Res. 455, H. Report No. 1176. Print of resolution and report.
Sept. 15, 1961	House conferees were appointed. House received conference report on H. R. 2010. H. Report No. 1198. Print of conference report.
Sept. 16, 1961	House agreed to conference report on H. R. 2010.
Sept. 21, 1961	Senate began debate on conference report on H. R. 2010.
Sept. 22, 1961	Senate continued debate on H. R. 2010.
Sept. 23, 1961	Senate agreed to conference report on H. R. 2010.
Oct. 3, 1961	Approved: Public Law 87-345.



## DIGEST OF PUBLIC LAW 87-345

EXTENSION OF MEXICAN FARM LABOR PROGRAM. Extends the Mexican farm labor program for 2 years, until December 31, 1963. Prohibits the employment of workers recruited under the program for other than temporary or seasonal occupations, or to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except when authorized by the Secretary of Labor to avoid undue hardship. Prohibits the employment of Mexican workers for processing activities relating to horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products. Prohibits workers recruited under the program from being made available in any area unless reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to Mexican workers. Incorporates into the basic act provisions now carried in the Labor-HEW appropriation act of 1961 which require employers of Mexican workers to reimburse the Government for essential expenses incurred by it under the program, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker.









87TH CONGRESS  
1ST SESSION

# H. R. 2010

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1961

Mr. GATHINGS introduced the following bill; which was referred to the Committee on Agriculture

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## A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 509 of such Act, as amended, is amended by  
4       striking "December 31, 1961," and inserting "December 31,  
5       1965".

I

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 2010

## A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

By Mr. GATHINGS

JANUARY 6, 1961

Referred to the Committee on Agriculture





# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

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HIGHLIGHTS: House committee reported bill to provide additional authorization for Public Law 480. House subcommittee voted to report bill to extend Mexican farm labor program. Senate committee voted to report third supplemental appropriation bill. House committee reported bill to extend Reorganization Act. House debated minimum wage bill.

### HOUSE

1. SURPLUS COMMODITIES; FOREIGN TRADE. The Agriculture Committee reported without amendment H. R. 4728, to amend Public Law 480 so as to provide an additional authorization of \$2 billion during 1961 under title I for sales of surplus commodities for foreign currencies (H. Rept. 196). p. 4417
2. FARM LABOR. The Equipment, Supplies, and Manpower Subcommittee of the Agriculture Committee voted to report to the full committee H. R. 2010, to extend the Mexican farm labor program. p. D193
3. REORGANIZATION. The Government Operations Committee reported without amendment H. R. 5742, to amend and extend the Reorganization Act of 1949 so that it will apply to reorganization plans transmitted to the Congress at any time before June 1, 1963 (H. Rept. 195). p. 4417
4. HOUSING LOANS. The Veterans' Affairs Committee reported with amendment H. R. 5723, to extend the veterans' guaranteed and direct home loan program and to provide additional funds for the veterans' direct loan program (H. Rept. 194). p. 4417
5. MINIMUM WAGES. Continued debate on H. R. 3935, to amend the Fair Labor Standards Act and increase the minimum wage gradually to \$1.25 an hour. pp. 4345-4409



6. APPROPRIATIONS. The Appropriations Committee was granted permission until midnight Fri. to file a report on the Treasury-Post Office appropriation bill for 1962. p. 4343
7. DEPRESSED AREAS. Received an Abilene, Kan., Chamber of Commerce resolution opposing the Douglas area redevelopment bill. p. 4419

#### SENATE

8. THIRD SUPPLEMENTAL APPROPRIATION BILL FOR 1961. The Appropriations Committee marked up and voted to report (but did not actually report) with amendments this bill, H. R. 5188. p. D192

#### ITEMS IN APPENDIX

9. FARM LABOR. Extension of remarks of Rep. Cohelan inserting an article, "United States Echoes Migrant Plight," and stating that it points out certain important aspects of the pressing migrant farm labor problem. pp. A2038-9
10. CREDIT UNIONS. Extension of remarks of Rep. Mason discussing his proposed "tax loophole closers" bills to impose income tax on credit unions. pp. A2039-40
11. LIVESTOCK. Extension of remarks of Rep. Shriver inserting an article citing the importance of the livestock industry to Kansas' economy, and stating that "it would be pertinent to place before the Members some of the facts of an industry which flourishes without a program of Federal subsidies." p. A2042
12. SMALL BUSINESS. Extension of remarks of Rep. Evins inserting a statement summarizing the objectives of the Small Business Act and the recent accomplishments in carrying out these objectives. pp. A2050-1
13. DEPRESSED AREAS. Extension of remarks of Rep. Flood inserting a Pa. State press release describing the areas of labor surplus in Pa., and stating that the report underscores the need for passage by the House of the area redevelopment bill. p. A2053
14. PEACE CORPS. Extension of remarks of Rep. Fascell inserting an article, "Kennedy's Peace Corps Could Uplift Youth." p. A2057
15. FARM PROGRAM. Extension of remarks of Rep. Andersen inserting an address by Rep. Weaver on the general subject of farm policy and stating that "it points up the need for a sound and workable policy for the Nation's farmers." pp. A2057-8
16. LABOR STANDARDS. Extension of remarks of Rep. Santangelo inserting an address by Rep. Giaimo discussing the minimum wage law, its proposed increases, extended coverage and proposed substitutions. pp. A2063-5

#### BILLS INTRODUCED

17. RESEARCH. H. R. 5882, by Rep. Rhodes, Ariz., to provide for a program of weather modification to be carried out by the Secretary of the Interior, acting in cooperation with the National Science Foundation, to increase







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

Issued April 19, 1961  
For actions of April 18, 1961  
87th-1st, No. 65

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**HIGHLIGHTS:** House committee voted to report Mexican farm labor bill. House passed Interior appropriation bill. Senate debated minimum wage bill. Both Houses received proposed bill to establish Urban Affairs and Housing Department. Senate received proposed farm bill. Sen. Ellender and Rep. Cooley introduced and Sen. Ellender discussed farm bill. Sen. Ellender inserted Secretary's Press Club speech.

## SENATE

- FARM PROGRAM.** Received from the President the proposed farm bill; to Agriculture and Forestry Committee. See Digest 64 for a summary of the bill. pp. 5667-8
- MINIMUM WAGE.** Continued debate on H. R. 3935, to amend the Fair Labor Standards Act and increase the minimum wage gradually to \$1.25 an hour (pp. 5718-50). By a vote of 34 to 63, rejected an amendment in the nature of a substitute by Sen. Dirksen, as modified by an amendment by Sen. Morton, which would have limited the coverage of additional workers to 1.4 million instead of 4.1 million (pp. 5718-25). By a vote of 34 to 63, rejected an amendment in the nature of a

substitute by Sen. Russell which would have limited coverage to workers presently covered by the Act (pp. 5725-30).

3. URBAN AFFAIRS AND HOUSING. Both Houses received from the President a proposed bill to establish a Department of Urban Affairs and Housing; to Government Operations Committees. pp. 5668, 5829
  4. ELECTRIFICATION. Sen. Humphrey criticized the action of former Secretary Benson in directing that "all major loans under consideration by REA be screened by the Director of Agricultural Credit Services, one of his appointees, before it could be signed by the REA Administrator," and commended Secretary Freeman for restoring "to the new REA Administrator, Norman M. Clapp, full and complete authority to approve or disapprove REA loan applications. Administrator Clapp is going to run REA, just as Congress intended him to do." pp. 5707-8
  5. FISH FLOUR. Sen. Smith, Mass., urged the Food and Drug Administration to approve the marketing of a new product, fish flour, for consumption in the U. S. p. 5670
  6. FRUITS AND VEGETABLES. Received a Calif. Legislature resolution urging action to provide that imported fruits and vegetables be of the same quality, grade, sanitary and other standards as U. S. products. pp. 5668-9
  7. PERSONNEL. Received from the Civil Service Commission a proposed bill to increase the number of supergrade positions and fix the compensation of hearing examiners; to Post Office and Civil Service Committee. p. 5668  
Received from the President a proposed bill to establish a position of Assistant Secretary of Health, Education, and Welfare; to Post Office and Civil Service Committee. p. 5668
- HOUSE
8. INTERIOR AND RELATED AGENCIES APPROPRIATION BILL, 1962. Passed with an amendment this bill, H. R. 6345. See Digest 63 for items of interest to this Department. pp. 5755, 5755-68
  9. FARM LABOR. The Agriculture Committee voted to report (but did not actually report with amendments this bill, H. R. 2010, to extend the Mexican farm labor program. p. D255
  10. TEXTILES. Rep. Vinson discussed the "excessive and unrestrained importation of foreign textiles into the United States," saying that "any condition that threatens the welfare of the textile industry strikes at the very heart of the general economy, the welfare and security of the Nation." Several other Representatives joined him in deploring the situation under the present Reciprocal Trade Agreements Act of 1953. pp. 5776-90, 5791-5822, 5822-3
  11. DAIRY MARKETING. Rep. Patman inserted a talk, "Federal Market Orders and Unfair Trade Practices" by Prof. Willard F. Mueller. pp. 5825-6
  12. ELECTRIFICATION. Rep. Price spoke condemning the action of former Secretary Benson in giving certain loanmaking authority of the REA Administrator to the Director of Agricultural Credit Services, and praised the present administration for restoring this authority to the REA Administrator. p. 5770







9. FOREIGN TRADE. Sen. Allott criticized the foreign trade policies of the U. S., stating that "the hard, cold fact which it is very difficult for any economist today to ignore, is that the free trade system alone is not working but is wrecking great harm upon U. S. industries." pp. 6211-4
10. ADJOURNED until Thurs., Apr. 27. p. 6214

### HOUSE

11. FARM PROGRAM. Rep. Arends charged the Administration with depressing the price of corn and trying to force farmers to comply with the new feed grains law, stating that "Pressure, coercion, compulsion -- those are the words that describe the technique employed on the new frontier of agriculture ...." pp. 6224-5
- Rep. Albert disagreed with Rep. Arends' statement and stated that "As a matter of commonsense in the handling of CCC loans now is the only time that the corn can be released. It must be released or it is in danger of spoiling and the taxpayers of the country, heaven knows, have taken enough of a loss already ...." Rep. Albert commended the Secretary for "trying to face up to this problem " of increasing costs of the farm program and decreasing farm income. pp. 6227-8
- Rep. Springer stated there was a widespread belief that the Secretary was "putting 6 to 8 million bushels of corn on the market each week" with the idea of depressing the market and "forcing farmers to comply and to come under the emergency feed grains program." p. 6228
- Rep. Dorn stated "The various farm programs we have had are not the answer ... the only answer is to gradually get the Government out of farming." p. 6231

12. FARM LABOR. The Agriculture Committee reported with amendments this bill, H. R. 2010, to extend the Mexican farm labor program (H. Rept. 274). p. 6236
13. PUBLIC LANDS. The Interior and Insular Affairs Committee reported with amendments H. R. 2280, <sup>(H. Rept. 276)</sup> to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range, and H. R. 2281, <sup>(H. Rept. 277)</sup> to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area. p. 6236

### ITEMS IN APPENDIX

14. ELECTRIFICATION. Extension of remarks of Sen. Carroll inserting letters and resolutions "in regard to support for an all-Federal transmission system for the delivery of Colorado River storage project power." pp. A2723-4, A2730
- Extension of remarks of Rep. Johnson, Wisc., inserting resolutions adopted by Wisc. Electric Cooperative delegates favoring increased appropriations for telephone and electric loans and electrification research programs. pp. A2770-1
15. TEXTILES. Speeches in the House by Reps. Stephens, Taylor, and Ichord discussing effects of imports upon the textile and apparel industries. pp. A2724, A2726, A2764
16. PEACE CORPS. Various insertions of articles favoring the establishment of the Peace Corps. pp. A2735-6, A2742-3, A2860

17. DEPRESSED AREAS. Extension of remarks of Rep. Wharton inserting an article, "Ho Hum Hosannas," discussing the depressed areas bill and suggesting that "In sum, it appears that \$400 million is to be spent just to show that Uncle Sam cares, even if the program itself won't help much, if at all." p. A2739
18. FARM PROGRAM. Extension of remarks of Rep. Beckworth inserting letters from various ASC committees in response to his requests for information as to participation in CCC price support programs. pp. A2743-5  
Extension of remarks of Rep. Johnson, Wisc., inserting a 1961 policy statement by the National Farmers Union that includes the basic aims of this organization. pp. A2754-5
19. RECREATION. Extension of remarks of Rep. Griffiths describing some of the benefits which would be provided by the passage of her proposed bill to establish a Federal Recreation Service in the Dept. of HEW. p. A2757

#### BILLS INTRODUCED

20. LIVESTOCK LOANS. S. 1710, by Sen. Moss, H. R. 6584, by Rep. King, Utah, and H. R. 6596, by Rep. Peterson, to amend the act of April 6, 1949, as amended, so as to authorize the Secretary of Agriculture to make emergency livestock loans under such act until July 14, 1963; to S. Agriculture and Forestry and H. Agriculture Committees. Remarks of Sen. Moss. p. 6160
21. LANDS. S. 1696, by Sen. Metcalf, to authorize the Secretary of the Interior to conduct a survey of Federally owned lands for the purpose of locating strategic minerals; to Interior and Insular Affairs Committee.
22. TRANSPORTATION. S. 1704, by Sen. Wiley (for himself and others), to provide for an investigation and study of means of making the Great Lakes and the St. Lawrence Seaway available for navigation during the entire year. Remarks of author. p. 6158
23. ASSISTANT SECRETARY. S. 1706, by Sen. Johnston (by request), to authorize an additional Assistant Secretary in the Department of Health, Education, and Welfare; to Post Office and Civil Service Committee.
24. PERSONNEL; RESEARCH. S. 1713, by Sen. Magnuson, to establish a system for the classification and compensation of professional engineering, physical sciences and related positions in the Federal Government; to Post Office and Civil Service Committee.
25. MINERALS. H. R. 6585, by Rep. Kyl, to provide for the disposition of mineral interests reserved by the United States in tracts of small acreage; to Interior and Insular Affairs Committee.
26. VETERANS' BENEFITS. H. R. 6594, by Rep. O'Konski, to provide readjustment to veterans who have served in the Armed Forces between January 31, 1955, and July 1, 1963; to Veterans' Affairs Committee.



## CONTINUATION OF MEXICAN FARM LABOR PROGRAM

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APRIL 24, 1961.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

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Mr. COOLEY, from the Committee on Agriculture, submitted the following

### R E P O R T

[To accompany H.R. 2010]

The Committee on Agriculture to whom was referred the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment is as follows:

On page 1, lines 4 and 5, strike "December 31, 1965" and insert in lieu thereof "December 31, 1963".

#### BRIEF SUMMARY OF H.R. 2010

The authorization provided by Public Law 78 (82d Cong.) for the temporary employment in U.S. agriculture of Mexican workers expires December 31, 1961.

H.R. 2010, as amended, would extend this authority for an additional 2 years, until December 31, 1963.

#### HISTORY OF MEXICAN FARM LABOR PROGRAM

During World War II, and until 1951, Mexican workers were admitted into the United States for temporary employment in U.S. agriculture under various authorities.

In 1951, the Congress approved Public Law 78 (82d Cong.), which added title V to the Agricultural Act of 1949. The major features of this legislation are as follows:

1. Authorizes the negotiation of an agreement with the Republic of Mexico establishing procedures for the admission of Mexican nationals into the United States for temporary employment.

2. Authorizes the Department of Labor to (a) undertake a recruitment and placement function with respect to such workers, (b) assist workers and farmers to enter into contracts for agricultural employment, and (c) guarantee the payment of wages and transportation by farmer employers.

3. Requires employers who wished to employ Mexican workers to (a) indemnify the U.S. Government for its guaranty of their contracts, (b) pay into a revolving fund a fee for each worker to support the program financially.

4. Restricts the use of Mexican workers to instances or areas where the Secretary of Labor certifies that (1) domestic workers, able, willing, and qualified are not available; (2) the employment of Mexican workers "will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed"; and (3) reasonable efforts have been made to attract domestic workers at comparable wages.

5. Eliminates bond requirement of general immigration statutes for such workers.

6. Provides that no such workers would be provided any employer who employed illegal aliens, either with knowledge or with reasonable grounds to believe they were here illegally.

7. Exempts such workers from social security and income tax provisions.

This statute has been implemented by an agreement with Mexico which sets forth in substantial detail the procedures, terms, and conditions of the contract of employment, and other matters.

Public Law 78 was scheduled to expire December 31, 1953. It has subsequently been extended on various occasions to December 31, 1955, June 30, 1959, June 30, 1961, and December 31, 1961.

The program is almost entirely self-supporting and will not burden our financial structure. Until 1947 the entire cost for importation of Mexican farmworkers was borne by the U.S. Government. Today the user of such labor pays almost the entire cost of the program.

Under Public Law 78, the funds for payment of the expenses incurred in recruiting Mexican workers are met from the farm labor supply revolving fund. This fund reimburses the Department of Labor for expenses for transportation, food, and medical care from the time the Mexicans are accepted at migratory stations to the time they are contracted by employers and after their return to the reception center by employers upon the completion of the work contract. The fund also reimburses the Department for all other expenses incurred in the operation of this program, with the exception of compliance activities.

The fund is maintained by fees paid by employers for contracting Mexican workers. The maximum fee is \$15 per worker for an initial contract and \$7.50 for a recontract. In addition to this fee, the farmer must pay the cost of transporting the worker from the border to the place of employment and back again. The Phillips County (Ark.) Farmers Association found this cost to be \$47.32 in 1960, for 2,264 workers.

The committee would also draw to the attention of the House the fact that Public Law 78 was not enacted as some sort of an emergency law to take care of an unusual emergency arising from the Korean war. The original House committee report on Public Law 78 clearly



set forth the basic reason for this legislation as an act of Congress designed to solve an acute and continuing shortage of agricultural workers. While references to the Korean war exist in the original report and in the debate, it was, and is the clear intent of this committee that Public Law 78 not be considered a wartime measure.

#### THE FARM LABOR SITUATION

There has been so much misunderstanding of the facts with respect to the farm labor situation that the committee would like to summarize briefly a few aspects of the current situation.

##### *The farm work force*

About 74 percent of the farm work force consists of the farmer and members of his family. About 26 percent consists of hired workers.

The hired workers are either (1) permanent or semipermanent or (2) seasonal. The seasonal workers are predominantly local workers, but are supplemented by a comparatively small number of migratory workers, both domestic and foreign. The major portion of the foreign workers are Mexican nationals, admitted pursuant to the provisions of Public Law 78.

The exceptional feature of the hired farm labor requirement of agriculture is its seasonality. It is, of course, this seasonal requirement that creates the need for a supplemental supply of labor in some areas.

This situation is reflected statistically in the following table:

*Seasonal composition of farm labor force in 1960*

[Thousands of workers]

Month	Total farm labor force <sup>1</sup>	Farmers and family labor <sup>1</sup>	All hired workers <sup>1</sup>	Seasonal workers			
				Total <sup>2</sup>	Local <sup>2</sup>	Domestic migrants <sup>2</sup>	Mexican nationals <sup>2</sup>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
January.....	5,006	4,139	867	343	233	42	65
February.....	5,305	4,321	984	328	218	38	60
March.....	5,994	4,763	1,231	309	205	34	60
April.....	7,151	5,507	1,644	417	284	52	70
May.....	7,725	5,758	1,967	766	543	114	97
June.....	8,271	5,627	2,644	1,225	867	222	128
July.....	8,416	5,569	2,847	1,200	784	293	118
August.....	8,344	5,694	2,650	1,112	716	263	128
September.....	9,120	6,283	2,837	1,282	848	251	168
October.....	8,283	5,965	2,318	1,316	823	256	227
November.....	6,593	5,075	1,518	743	463	119	152
December.....	5,206	4,285	921	405	260	58	75

<sup>1</sup> From Farm Labor, published monthly by U.S. Department of Agriculture.

<sup>2</sup> From Farm Labor Market Developments, published monthly by U.S. Department of Labor. Entries in col. (5) include a few foreign workers not shown in cols. (6), (7), and (8).

The variation in seasonal employment in local areas will commonly be much sharper than disclosed by national statistics. For example, in a study filed with the committee made by the Giannini Foundation of Agricultural Economics of the University of California, it is estimated that in Yolo County, Calif., the number of seasonal workers required during the peak month in 50 to 55 times as many as required during the low month.

In such situations, even after every feasible effort is made to recruit domestic labor, a supplemental supply of Mexican nationals will be needed.

### *Importance of Mexican program to small farmers*

Since 1950, the average number of hired farmworkers on U.S. farms has declined from 3,190,000 to 1,869,000 as a result of technological developments. Despite this, some farm operations, such as weeding vegetables or harvesting fruits and vegetables, are performed in approximately the same manner as decades ago. Much of this work is generally called stoop labor. It is a kind of work that few U.S. citizens will do. It is this kind of work that most Mexican workers are engaged in.

Mexican nationals are used primarily in the production and harvesting of such crops as lettuce, carrots, sugar beets, tomatoes, cotton, peaches, berries, and other fruits and vegetables. For these commodities virtually any commercial producer must hire workers for weeding and harvest operations which he cannot use the rest of the year.

The committee received a great deal of testimony, and we are convinced it is factual, that if the Mexican farm labor program were terminated, the impact of such action would more adversely affect small farmers than large farmers. This is because (1) large farmers are already mechanized to a greater extent than small farmers, (2) in a critical labor shortage large farmers could mechanize more rapidly and more completely than small farmers, and (3) large farmers could, in an emergency, carry out distant and costly worker recruiting and transportation programs completely beyond the means of small farmers.

Most small farmers would be unable to mechanize to any appreciable degree. Mechanization is an expensive adjustment. Most small farmers do not have the capital to mechanize their operations. Even if they had the capital, their volume is insufficient to amortize the costs of such investment.

The committee concludes that the termination of the Mexican worker program would disastrously affect small farmers in the areas in which such workers are employed.

### *Number and distribution of Mexican workers*

The number of Mexican workers contracted during each of the past 5 years is as follows:

1956-----	445, 197	1959-----	437, 643
1957-----	436, 049	1960-----	315, 846
1958-----	432, 857		

It should be noted that the number shown above is substantially in excess of the number present in the United States at any one time, since many contracts are for relatively short periods, and in no case for more than 6 months.

The decline of employment of Mexican nationals in 1960 will also be noted. This is due to the progress made in 1960 in mechanizing harvest operations, particularly the harvest of cotton.

Further reductions in the employment of Mexican nationals during each of the next few years is expected.

Mexican nationals were employed in 24 States in 1960 as follows:

Arizona-----	19, 324	Nebraska-----	2, 255
Arkansas-----	27, 413	Nevada-----	158
California-----	112, 995	New Mexico-----	10, 404
Colorado-----	8, 492	North Dakota-----	45
Illinois-----	234	Oregon-----	350
Indiana-----	65	South Dakota-----	240
Kansas-----	17	Tennessee-----	1, 138
Kentucky-----	150	Texas-----	122, 755
Michigan-----	4, 815	Utah-----	486
Minnesota-----	34	Washington-----	60
Missouri-----	235	Wisconsin-----	528
Montana-----	2, 438	Wyoming-----	1, 215

### *Farm wages*

Farm wages in U.S. agriculture have increased steadily. In 1950 the index of farm wages, published by the U.S. Department of Agriculture, was 432 (1909-14 equals 100). In 1960 the index was 629, an increase of 46 percent.

Farm wages are continuing their upward trend.

This is in striking contrast to the trend of farm operation incomes.

The committee considers that this relationship between farm wages and farm incomes is an important factor that must in all reason and equity be given consideration in any analysis of this subject. The overall situation does not support any supposition that the program has operated to subordinate the interest of workers to those of farmers.

### TREATMENT OF MEXICAN WORKERS

This committee has had many representatives of national organizations testify that this program should not be continued based upon moral or ideological considerations. However, when we have people who live with the problems of the laborers and the farmers, they have a very different opinion. As an example, a clergyman who conducted a recruiting program through 68 churches, had this to report to the committee:

As a result of this program, there have been some 500 domestic workers in San Bernardino County sent into the groves to work. Presently there are 30 of those 500 now employed.

Those whom I have talked to about this problem have told me it was not a question of whether they could make money or not, but they just did not like the job.

After this effort to get domestic workers to do farmwork, he made a study of the Public Law 78 program and had this to report:

Thus, from my study of the bracero program within the citrus industry, I have come to these basic conclusions:

1. That the Mexican workers are urgently needed—virtually indispensable in the citrus-growing areas at this juncture.

2. That they are comfortably and decently housed and fed.

3. That their wages are comparable in every respect to those paid Americans, and that provision is made whereby they can and do earn substantial incomes.



4. My findings regarding the domestic worker and the citrus industry come from a wide experience gained from administering a large and effective employment service and aid to families not otherwise assisted by county, State, or Federal aid.

5. That the braceros are not displacing American workers, and comprise only one-fourth of the farm working force in citrus. Their importance is disproportionate because they will accept and remain with the difficult harvesting jobs.

6. That experience has shown that the citrus grower cannot place reliance on local domestic migrant workers (other than those excellent year-round employees whom the growers have had for many years) and that many of these transients are liquor addicts totally unfit for any type of employment.

7. That the braceros do not feel they are mistreated in the United States, since a vast percentage of them seek to make return trips here after completing their contract periods.

8. That the Mexicans are treated with consideration and respect by the citrus men.

#### JUSTIFICATION FOR CURRENT EXTENSION

It is the committee's views that the benefits of the Mexican farm labor program have substantially outweighed its disadvantages. The committee would include among such benefits the following:

1. It has supplied farmers with workers that were not available from the labor force of the United States. Experience has shown that most American labor is unwilling to accept seasonable agricultural employment.

2. It has virtually eliminated the wetbacks, illegal aliens who once swarmed across our southern border. It should properly be referred to as the antiwetback bill.

This is dramatically illustrated by reports of the U.S. Immigration and Naturalization Service, which indicate the tremendous drop in illegal wetback entries since the program has operated. As can be seen from the following table, the number of wetbacks has dropped from 1,075,168 in fiscal 1954 to only 30,196 in fiscal 1959:

*U.S. Department of Justice, Immigration and Naturalization Service, Washington, D.C., Mar. 29, 1960—Mexican nationals apprehended in the United States in violation of immigration laws, by fiscal years*

Fiscal year:	Number of persons	Fiscal year—Continued	Number of persons
1952-----	534, 538	1956-----	72, 442
1953-----	875, 318	1957-----	44, 451
1954-----	1, 075, 168	1958-----	37, 242
1955-----	242, 608	1959-----	30, 196

3. It has benefited Mexican workers, and the communities to which they return, by providing employment to such workers that would otherwise not be provided, and at wages many times what they could earn in Mexico.

4. It has been a substantial aid to the Mexican economy in that it is the second most important source of dollar exchange to the Republic of Mexico (next to the tourist trade). The wages received in the

United States and taken back to Mexico by these workers have helped make possible a continuing balance of trade in our favor. In 1960 our exports to Mexico were \$807 million; our imports were \$443 million—a balance of \$364 million in our favor.

5. All dollars earned and taken home by Mexican workers are eventually returned to the United States, providing additional employment in U.S. commerce and industry. Mexico is now one of our most important customers.

The committee has heard testimony that the program has adversely affected the opportunity of employment of domestic workers. On the other hand the committee has heard testimony that the Department has been unduly restrictive in the number of Mexican workers admitted.

The committee has also heard testimony that domestic workers have been denied employment because of the employment of Mexican nationals. On the other hand it is contended that the Department has required farmers employing Mexican workers to also employ domestic workers who are not able, willing, or qualified workers.

The committee recognizes that it is not likely to be possible to administer these features to everyone's satisfaction. On balance, however, the committee believes there has been a reasonable balance between overly liberal and overly restrictive certifications, and that the Department has reasonably accomplished the objective of providing preference to domestic workers who are able, willing, and qualified for employment at the occupations and in the area involved.

#### DEPARTMENTAL VIEWS

The U.S. Department of Labor recommends a 2-year extension of the Mexican farm labor program, but also recommends a number of revisions in Public Law 78.

The committee has reviewed these proposals, but does not believe the statute should be amended in the respects proposed.

The major amendments proposed by the Department of Labor are summarized below.

The Department proposes that it be authorized to require each employer of Mexican workers to maintain a fair, specified proportion of U.S. agricultural workers in his work force.

This determination would have to be made virtually on a farm-to-farm basis. The number of domestic workers reasonably available varies from county to county. It also varies as between crops and operations, because domestic workers are selective about the types of farmwork they are interested in obtaining. It would also vary by season as the number of domestic migratory workers in a community ebbs and flows.

In the opinion of the committee this proposal is administratively impractical, would create a continuing source of conflict and controversy between farmers and the Department and, most importantly, would give the Department of Labor an extraordinarily broad delegation of power to tell individual farmers what they must do.

While not unsympathetic as to the objective of the Department, we do not believe this objective should be accomplished by giving the Department virtual dictatorial discretionary power. If the Department wishes to pursue this objective by other means, then we urge



the Department to give this matter further study in connection with further extensions. The approach should be in terms of statutory requirements that a farmer can read, understand, and comply with, rather than the delegation of untrammelled power to accomplish the objective by administrative action in individual cases.

The Department of Labor also proposes that the Department be given authority to require farmers employing Mexican nationals to offer exactly the same terms of employment to domestic workers as they provide to Mexican nationals.

It should be noted that the Department now has authority under section 503 of Public Law 78 to predetermine as a condition of eligibility for the certification of Mexican nationals that reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

This new proposal of the Department goes beyond wages and hours. It includes written contracts, work guarantees, subsistence when work is not available, workmen's compensation, free housing, and free transportation.

In the opinion of the committee such detailed regulation of the employment of domestic workers is impractical and would fail to reflect basic differences between the character of the employment relationship.

Written contracts are quite feasible for Mexican nationals, who enter into contracts for periods varying from 4 weeks to 6 months, and who, in the great majority of instances, remain until the contract is completed. It would not be equally feasible to require written contracts for workers who may work for short periods from a day to a term of many years, who can leave at will, and who could not in practice have any enforceable responsibility to complete the contract. In many day-haul operations a farmer employer may have virtually a new crew every day.

It is reasonable to require a farmer to pay transportation from the border and return for a group of Mexican workers who normally complete their contract terms because they are here illegally if they leave the employment of the farmer. But to require farmers to pay transportation from distant points to a group of workers who may leave his employment the day after they arrive would be an unreasonable requirement.

It is reasonable to require farmers to provide free housing for Mexican nationals. The same provision would be impractical for domestic workers. Most domestic workers are local people with their own housing arrangements. Even many migratory workers prefer to provide their own housing.

Workmen's compensation is an issue traditionally left to the States. We do not believe Federal law should override State law in this respect.

Actually, domestic workers have a protection which is far superior to that provided Mexican workers by regulation. Domestic workers are free to leave any employment they don't like and seek employment elsewhere. They are free to seek permanent employment and many do.

The Department of Labor recognizes the inapplicability of what they propose in many instances and testify that it is—

contemplated that appropriate recognition should be given to the differences between the situation of the domestic workers and the foreign workers.

They further testify that the various requirements—

would be waived where they are clearly inappropriate.

What is actually proposed then is that the Department be given authority to establish specific requirements which they admit cannot be universally applied and then decide when and where they would be appropriate. In practice this authority would have to be delegated to local officials and administered on a farm-by-farm basis.

This would be an unprecedented grant of power to local officials. No farmer would know where he stood or what he was required to do until he was told by a local official.

The committee is not unsympathetic with the objective the Department is seeking. But we disagree basically and completely with the manner in which it is proposed that such objective be accomplished.

The best way to protect domestic workers is to provide standards and criteria for the employment of Mexican nationals and to permit competition to protect the domestic worker.

Alternatively, State or Federal law applying to all farmer employers rather than just those who employ Mexican workers, would be preferable.

We urge the Department to study this question before the next time consideration is given to further extension. Any proposal should be specific, should be of such character that a farmer can read the law and know reasonably what it requires of him rather than a broad delegation of power to officialdom to do what they please to do to accomplish certain objectives.

The third major proposal is that Public Law 78 be amended to provide that a farmer who wishes to employ Mexican nationals should first, to avoid adverse effect on domestic workers, increase wages paid domestic workers 10 cents an hour or the average increase in wages paid in the State as determined by the Department, whichever is lesser.

Again we assert that we do not believe the Mexican labor program should be used as a backdoor approach to regulating the employment of domestic workers by those employers who use Mexican workers.

We would be glad to receive and consider any recommendations from the Department relative to changes in the employment of Mexican workers so as to avoid any adverse effect on the employment of domestic workers. Competitive factors will accomplish the same results so far as domestic workers are concerned. The Department now has this authority, although it would be desirable that it be spelled out in more specific statutory form. For example, the Department on occasion has required an increase in wage rates paid Mexican nationals to avoid adverse effect on domestic workers. This raises the wage structure in an area with consequent benefit to domestic workers, without getting into the impossible administrative position of seeking to use the Mexican national program as a vehicle for extending direct regulation to domestic workers.

## CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the rules of the House of Representatives, changes in existing law made by this bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

## AGRICULTURAL ACT OF 1949

## TITLE V—AGRICULTURAL WORKERS

SEC. 509. No workers will be made available under this title for employment after **[December 31, 1961]** *December 31, 1965.*

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87TH CONGRESS  
1ST SESSION

# H. R. 2010

[Report No. 274]

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## IN THE HOUSE OF REPRESENTATIVES

JANUARY 6, 1961

Mr. GATHINGS introduced the following bill; which was referred to the Committee on Agriculture

APRIL 24, 1961

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in italic]

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## A BILL

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2   *tives of the United States of America in Congress assembled,*  
3   That section 509 of such Act, as amended, is amended by  
4   striking "December 31, 1961," and inserting "~~December 31,~~  
5   ~~1965~~" "*December 31, 1963*".

I

Union Calendar No. 84

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

**H. R. 2010**

[Report No. 274]

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**A BILL**

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

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By Mr. GATHINGS

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JANUARY 6, 1961

Referred to the Committee on Agriculture

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7. CULTURAL EXCHANGE. Received from the Secretary of State a report on the educational and cultural exchange programs for the second half of the fiscal year 1960. p. 6334
8. COFFEE. Received from the Hawaii Legislature a concurrent resolution requesting Congress to enact legislation to include coffee among the basic agricultural commodities assisted by price support programs. p. 6334
9. MILK. Sen. Proxmire presented a Wisconsin State Legislature resolution calling on Congress to adopt legislation which will insure the free interstate movement of milk of high sanitary quality. p. 6335
10. SOIL BANK. Sen. Proxmire stated that a great deal of concern has been expressed about the fire hazards that result from the accumulation of dry, dead vegetation on untended soil bank acreage. He inserted a resolution from a Wisconsin County Board of Supervisors petitioning Congress to influence this Department for emergency action to solve this problem. p. 6335
11. PUBLIC WORKS. Sen. Clark inserted an address by Sen. Randolph before the Alabama League of Municipalities favoring enactment of legislation to accelerate public works construction by State and local governments by offering Federal grants of 45 percent of the cost of construction of approved projects. pp. 6406-7
12. ADJOURNED until Mon., May 1. p. 6449

#### HOUSE

13. FOREIGN TRADE. Rep. Bailey stated that the Executive Branch is failing to provide "added protection by way of a tariff increase or an import quota if an industry or a segment of it is seriously injured or threatened by increased imports resulting in part from a previous tariff reduction .... Something is happening that makes of Congress a mere bystander rather than the regulator of our foreign commerce .... This is not the fault of the law. It is a matter of administration." pp. 6461-5
14. FARM LABOR. The "Daily Digest" states that the Rules Committee granted an open rule on H. R. 2010, to extend the Mexican farm labor program for an additional 2 years until December 31, 1963. p. D290
15. PUBLIC LANDS. The Interior and Insular Affairs Subcommittee on National Parks ordered favorably reported to the full committee with amendment H. R. 6422, to add federally owned lands to, and exclude federally owned lands from, the Cedar Breaks National Monument, Utah. p. D290
16. LEGISLATIVE PROGRAM. Rep. Albert announced that the program for next week will include the following: Mon., Consent Calendar; Tues., Private Calendar; Wed., minimum-wage bill and (if a rule is reported) water-pollution bill; Thurs. and Fri., roads authorization bill. p. 6453
17. ADJOURNED until Mon., May 1. p. 6472

ITEMS IN APPENDIX

18. ETHICS. Extension of remarks of Rep. Pelly commending the President's message on Governmental ethics, and stating "I favor his establishing by Executive order a set of standards for those in Government service." p. A2905
19. CUBAN IMPORTS. Extension of remarks of Rep. Rogers of Florida advocating "a complete economic boycott of Cuba," and pointing out that Cuban agricultural products "compete with the same produce grown in this country to the detriment of our domestic agricultural industry in many States." p. A2911
20. FARM BILL. Extension of remarks of Rep. Johnson, Wis., inserting excerpts from Secretary Freeman's testimony on the farm bill before the House Agriculture Committee on April 24. pp. A2918-9, A2931-2, A2899-900
21. SURPLUS COMMODITIES; FOREIGN TRADE. Speech in the House by Rep. Harvey, Ind., during debate on the Public Law 480 authorization bill saying that "there is justification for only little more than one-half of the \$2 billion requested ... It would look as if the new administration is attempting to convert this commodities disposal program into a giant, boondoggling operation." pp. A2892-3
22. FARM PROBLEM. Speech in the House by Rep. Harvey, Ind., during the debate on the Public Law 480 authorization bill, in which he said "I would not imagine that we would give India a sugar quota, but it does seem to me that it is high time we in the Congress knew what is going on." pp. A2901-2  
Extension of remarks of Sen. Humphrey inserting an article discussing the views of Secretary Freeman on agriculture. pp. A2900-1

BILLS INTRODUCED

23. FOREIGN TRADE. S. 1718, by Sen. Carlson, and H. R. 6687, by Rep. Avery, to amend the Tariff Act of 1930 to place horsemeat on the free list; to S. Finance and H. Ways and Means Committees.  
S. 1735, by Rep. Muskie, to provide for adjusting conditions of competition between certain domestic industries and foreign industries with respect to the level of wages and the working conditions in the production of articles imported into the United States; to Finance Committee. Remarks of author. p. 6352-4  
S. 1729, by Sen. Engle (for himself and others), to promote the foreign commerce of the United States; to Commerce Committee. Remarks of Sen. Engle. pp. 6348-52
24. PERSONNEL. S. 1730, by Sen. Johnston, to amend the Classification Act of 1949, as amended, to provide a formula for guaranteeing a minimum increase when an employee is promoted from one grade to another; to Post Office and Civil Service Committee.  
S. 1732, by Sen. Johnston (by request), to increase the limitation on the number of positions that may be placed in the top grades of the Classification Act of 1949, as amended, and the limitation on the number of research and development positions of scientists and engineers for which special rates of pay are authorized; to fix the compensation of hearings examiners; to Post Office and Civil Service Committee.  
H. R. 6694, by Rep. James C. Davis, to amend the Federal Employees Group Life Insurance Act of 1954 to permit employees retiring with immediate annuities to retain the full amounts of insurance at time of retirement with premiums deducted from their annuities; to Post Office and Civil Service Committee.



# House of Representatives

## Chamber Action

**Bills Introduced:** 23 public bills, H.R. 6686-6708; 4 private bills, H.R. 6709-6712; and 6 resolutions, H.J. Res. 395-397, and H. Res. 268-270, were introduced.

Pages 6472-6473

**Bills Reported:** Reports were filed as follows:

Seven private bills, S. 1097, H.R. 1531, 1687, 4636, 4796, 6013, and 6224 (H. Repts. 314-320, respectively).

Page 6472

**Calendar Wednesday:** Agreed to dispense with Calendar Wednesday business of May 3.

Page 6453

**Legislative Program:** The legislative program for the week of May 1-6 was announced by the majority whip.

Page 6453

**President's Message—Conflict of Interests:** Received and read a message from the President recommending revision and strengthening of the "conflict of interest" statutes. The message was referred to the Committee on the Judiciary and ordered printed as a House document (H. Doc. 145).

Pages 6454-6457

**Reorganization Plans Nos. 1 and 2 of 1961:** Received and read messages from the President transmitting Reorganization Plans Nos. 1 and 2 of 1961 which provide for reorganizations in the Securities and Exchange Commission and the Federal Communications Commission, respectively, so as to provide for greater efficiency in the dispatch of the business of both agencies. Both messages and plans were referred to the Committee on Government Operations.

Page 6465-6466

**Subcommittee To Sit:** The Subcommittee on Elections of the Committee on House Administration was granted permission to sit during the session of the House on Monday next.

Page 6471

**Program for Monday:** Adjourned at 1:50 p.m. until Monday, May 1, at 12 o'clock noon. For program see Congressional Program Ahead in this DIGEST.

## Committee Meetings

### GENERAL FARM BILL

**Committee on Agriculture:** Resumed hearings on H.R. 6400, to improve and protect farm prices and farm income, to increase farmer participation in the development of farm programs, to adjust supplies of agricultural commodities in line with the requirements therefor, to improve distribution and expand exports of agricultural commodities, to liberalize and extend farm credit services, to protect the interest of consumers. Heard testimony from representatives of the National Grange and National Council of Farmer Co-Ops. Hearings continue Friday, April 28.

### ARMED MISCELLANY

**Committee on Armed Services:** Subcommittee No. 1, in executive session, ordered favorably reported to the full committee H.R. 4328 (amended), to reassign Marine Corps officers designated for supply duty as officers not restricted in the performance of duty; H.R. 4321 (amended), to authorize the transportation of dependents and baggage and household effects of certain retired members; and H.R. 4327, to authorize certain payments of deceased members' final accounts without the necessity of settlement by the General Accounting Office.

Prior to taking action on the measures the subcommittee in an open hearing, heard Gen. David M. Shoup, Commandant, Maj. Gen. Alpha L. Bowser, Assistant Chief of Staff, and Maj. Gen. C. R. Allen, Quartermaster General, Marine Corps, on H.R. 4321; Department of Defense witnesses on H.R. 4321 and 4330; and an official of the General Accounting Office on H.R. 4327.

### OVERPRICING OF GOVERNMENT CONTRACTS

**Committee on Armed Services:** Subcommittee on Special Investigations began hearings on overpricing of Government contracts, and heard testimony from Joseph E. Campbell, Comptroller General, General Accounting Office, and other GAO officials. Hearings continue Friday, April 28.

### HOUSING

**Committee on Banking and Currency:** The Subcommittee on Housing continued hearings on H.R. 6028, to assist in the provision of housing for moderate and low income families, to promote orderly urban development, to extend and amend laws relating to housing, urban renewal, and community facilities. Witnesses heard were representatives of the National Housing Conference, and the American Council on Education. Hearings continue Friday, April 28.

### DOG LEASHING—MINISTERS

**Committee on District of Columbia:** Subcommittee No. 4 held a hearing on H.R. 5486, to prohibit the examination in D.C. courts of any minister of religion in connection with any communication made to him in his professional capacity without the consent of the party to such communication; and H.R. 806, regarding a dog leash law for D.C.

Heard testimony from various D.C. officials and public witnesses.

### HOME LOAN BANK BOARD

**Committee on Government Operations:** Special Subcommittee on Home Loan Bank Board held a hearing on the Federal Home Loan Bank Board seizure of the



Long Beach Federal Savings & Loan Association. Heard various public witnesses. Hearings continue Friday, April 28.

#### NATIONAL PARKS

*Committee on Interior and Insular Affairs:* Subcommittee on National Parks ordered favorably reported to the full committee H.R. 6422 (amended), to add federally owned lands to, and exclude federally owned lands from, the Cedar Breaks National Monument, Utah; H.R. 5760 (amended), to revise the boundaries of the Scotts Bluff National Monument, Nebr.; H.R. 6346, to include Ackia Battleground National Monument, Miss., and Meriwether Lewis National Monument, Tenn., in the Natchez Trace Parkway, and to provide appropriate designations for them; and H.R. 6519, to provide additional lands for the Tupelo National Battlefield Site, Miss.

Considered but took no final action on H.R. 498, to provide additional lands at, and change the name of, the Fort Necessity National Battlefield Site, Pa.

Witnesses heard were Representatives Peterson (H.R. 6422), Martin (H.R. 5760), and Morgan (H.R. 498); and departmental personnel. Adjourned subject to call of the Chair.

#### CORPORATE MERGERS

*Committee on the Judiciary:* Subcommittee No. 5 (Antitrust) began hearings on H.R. 2882, and similar bills, relating to prior notification of corporate mergers. Testimony was given by Representative Patman; and Lee Loevinger, Assistant Attorney General, Antitrust Division, Department of Justice. Hearings continue Friday, April 28.

#### COAST GUARD

*Committee on Merchant Marine:* Subcommittee on Oceanography, in executive session, ordered reported to the full committee H.R. 4340 (amended), to provide for the expansion of the functions of the Coast Guard.

Prior to taking action on the measure the subcommittee, in an open hearing, heard testimony from Vice Adm. James A. Hirshfield, Chief of Staff, Coast Guard; Rear Adm. Edward C. Stephan, hydrographer of Navy; and Rear Adm. H. Arnold Karo, Director, Coast and Geodetic Survey.

#### POSTAL RATES

*Committee on Post Office and Civil Service:* Continued hearings on H.R. 6418, to adjust postal rates. Heard testimony from J. Edward Day, Postmaster General; Ralph P. Nicholson, Assistant Postmaster General, Bureau of Finance, and three public witnesses who were proponents of the bill. Hearings continue Tuesday, May 2.

#### FEDERAL-AID HIGHWAY PROGRAM

*Committee on Public Works:* Special Subcommittee on Federal-aid highway program met in executive session. No announcements were made.

#### MEXICAN FARM LABOR

*Committee on Rules:* Granted an open rule, waiving points of order, with 1 hour debate on H.R. 2010, the Mexican farm labor bill.

Witnesses heard on granting of a rule were Representatives Cooley, Gathings, Hoeven, and Teague of Texas.

#### COMMITTEE INVESTIGATIONS—SELECT COMMITTEE

*Committee on Rules:* Held a hearing and deferred action on H. Res. 38, to create a select committee to study seizure and detention of American citizens in foreign countries; H. Res. 57, to provide that the Education and Labor Committee conduct an investigation and study of discrimination in employment against persons over 40 years of age; and H. Res. 58, to authorize the Committee on Interstate and Foreign Commerce to investigate and study safety of design of motor vehicles used in interstate commerce.

Heard the authors of the resolutions, Representatives Johansen (H. Res. 38), and Lane (H. Res. 57 and 58).

#### VETERANS' COMPENSATION

*Committee on Veterans' Affairs:* Subcommittee on Compensation and Pension continued hearings on all the committee's measures relating to veterans' compensation. Testimony was given by Veterans' Administration officials. Hearings continue May 10.

#### TAXES—IMPORTATION

*Committee on Ways and Means:* Met in executive session and ordered favorably reported to the House the following bills:

H.R. 2244 (amended), relating to the deduction for income tax purposes of contributions to charitable organizations whose sole purpose is making distributions to other charitable organizations, contributions to which individuals are deductible within the 30-percent limitation of adjusted gross income;

H.R. 2585 (amended), relating to the credits against the employment tax in the case of certain successor employers; and

H.R. 4449 (amended), to amend the Tariff Act of 1930 with respect to the importation of certain articles for religious purposes.

The committee will continue in executive session Monday, May 1.







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

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For actions of May 1, 1961  
87th-1st, No. 72

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HIGHLIGHTS: President approved depressed areas bill. Conferees agreed to file report on minimum wage bill. Rep. Cunningham introduced and discussed bill to establish Department of Small Towns and Rural Affairs.

## HOUSE

1. FARM LABOR. Rep. Sisk reported from the Rules Committee a resolution for the consideration of H. R. 2010, to extend the Mexican farm labor program for an additional 2 years until December 31, 1963. pp. 6529, 6538
2. MINIMUM WAGE. Conferees agreed to file a report on the differences between the Senate-and House-passed versions of H.R. 3935, the minimum wage bill (p. D297). The "Daily Digest" states as follows: "As agreed by the conferees, the bill would (1) extend minimum wage coverage to approximately 3.6 million workers (provisions for extended coverage to employees of laundry establishments and automobile dealers were deleted from the bill), (2) establish the 5-year escalation period to reach the minimum wage of \$1.25, and the 40-hour workweek, and (3) adopt the so-called inflow test, which means that retail and service enterprises would be covered by the bill, only if they met the following test: (a) the employer must be engaged in commerce or the production of goods for commerce, (b) the employer must receive \$250,000 worth of goods, for resale, which have moved across State lines (so-called 'inflow' test), and (c) the employer must have an annual gross volume of sales of not less than \$1 million, exclusive of excise taxes at the retail level."
3. SEEDS; RESEARCH. Passed as reported H. R. 2041, to remove the restriction on the interstate shipment of water-hyacinth plants or seeds to certain areas where the plants are unable to survive winter weather. p. 6522

4. ADMINISTRATIVE ORDERS. Passed without amendment H.R. 5656, to provide for reasonable notice of applications to the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies. p. 6522
5. PUBLIC LANDS. Passed as reported H.R. 2280, to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike range, and H. R. 2281, to reserve for use by the Department of the Army at Fort Richardson, Alaska, certain public lands in the Campbell Creek area. pp. 6524-5
6. VEHICLES. Passed as reported H.R. 2883, to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment. p. 6526
7. LANDS. Passed without amendment H. R. 5416, to include within the boundaries of Joshua Tree National Monument in California, certain donated lands used in connection with the monument. pp. 6526-7
8. URBAN AFFAIRS. Rep. Green, Oreg., inserted a resolution from the Portland Association of Building Owners and Managers commending the President's decision to create a Department of Urban Affairs. p. 6528
9. GOVERNMENT ETHICS. Received from the President a draft of a proposed bill "to supplement and revise the laws prescribing restrictions against conflicts of interest applicable to employees of the executive branch of the Government of the United States"; to Judiciary Committee. p. 6537
10. IMPORTS. The Ways and Means Committee voted to report (but did not actually report) H. R. 6611, to reduce temporarily the exemption from duty enjoyed by returning U. S. residents. p. D297
11. WITHHOLDING TAX. The Ways and Means Committee voted to report (but did not actually report) H. R. 2017, providing for the withholding of income taxes on the compensation of Federal employees for purposes of the income tax imposed by certain cities. p. D297
12. TOBACCO. The Ways and Means Committee voted to report (but did not actually report) H.R. 4940, to provide for the modification of import duties on certain types of Philippine tobacco. p. D297

#### SENATE

13. FORESTRY. Sen. Wiley inserted a letter from the general chairman of the Lake States Forest Fire Research Conference favoring an expanded program of research on new methods for control of forest fires. p. 6498
14. RESEARCH. Received from GSA the semi-annual report on contracts negotiated for experimental, developmental, and research work. p. 6477
15. FOREIGN AID. Sen. Wiley inserted several letters from business leaders favoring greater utilization of private enterprise to support and further the objectives of U. S. foreign policy. pp. 6492-6
16. NOMINATION. Confirmed the nomination of Richard M. Scammon to be Director of the Census Bureau. p. 6517
17. LEGISLATIVE PROGRAM. Sen. Mansfield stated that the conference report on H. R. 3935, the minimum wage bill, will probably be considered on Wed. p. 6476



## CONSIDERATION OF H.R. 2010

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MAY 1, 1961.—Referred to the House Calendar and ordered to be printed

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Mr. SISK, from the Committee on Rules, submitted the following

### REPORT

[To accompany H. Res. 271]

The Committee on Rules, having had under consideration House Resolution 271, report the same to the House with the recommendation that the resolution do pass.

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# H. RES. 271

[Report No. 322]

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## IN THE HOUSE OF REPRESENTATIVES

MAY 1, 1961

Mr. SISK, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

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## RESOLUTION

1     *Resolved*, That upon the adoption of this resolution it  
2 shall be in order to move that the House resolve itself into  
3 the Committee of the Whole House on the State of the  
4 Union for the consideration of the bill (H.R. 2010) to  
5 amend title V of the Agricultural Act of 1949, as amended,  
6 and for other purposes, and all points of order against said  
7 bill are hereby waived. After general debate, which shall  
8 be confined to the bill and continue not to exceed one hour,  
9 to be equally divided and controlled by the chairman and  
10 ranking minority member of the Committee on Agriculture,  
11 the bill shall be read for amendment under the five minute  
12 rule. At the conclusion of the consideration of the bill for  
13 amendment, the Committee shall rise and report the bill to

1 the House with such amendments as may have been adopted  
2 and the previous question shall be considered as ordered  
3 on the bill and amendments thereto to final passage without  
4 intervening motion except one motion to recommit.

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**RESOLUTION**

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Providing for the consideration of H.R. 2010,  
a bill to amend title V of the Agricultural  
Act of 1949, as amended, and for other pur-  
poses.

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By Mr. SISK

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MAY 1, 1961

Referred to the House Calendar and ordered to be  
printed







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

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87th-1st, No. 73

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**HIGHLIGHTS:** House debated Mexican farm labor bill. House Rules Committee cleared bill to increase per diem travel rates. House passed bill to authorize temporary reapportionment of pooled acreage allotments. Reps. Dole, Berry, and Nygaard introduced and Rep. Dole discussed bills to establish \$2 minimum price support for 1961 wheat crop.

## HOUSE

1. FARM LABOR. Began debate on H. R. 2010, to extend the Mexican farm labor program. pp. 7187-7209

Agreed to a committee amendment to extend the program for 2 years, to December 31, 1963. p. 7201

Rejected the following amendments:

By Rep. Coad, 75 to 130, providing that no workers "... shall be made available to any employer or permitted to remain in the employ of any employer for employment involving the operation of or work on power driven machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship." pp. 7201-5

By Rep. Coad, 46 to 91, providing that no workers "... shall be made available to any employer or permitted to remain in the employ of any employer for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship." pp. 7205-6

By Rep. Coad providing that, with certain exceptions, no workers "... shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to such workers wages equivalent to the average farm wage in the State in which the area of employment is located, or the national farm wage average, whichever is the lesser ...." pp. 7206-8

2. TOBACCO. Passed as reported H. R. 4940, to establish for scrap and filler tobacco originating in the Philippines certain requirements to be met before such tobacco could enter the U. S. duty-free. pp. 7185-6
3. TRAVEL. The Rules Committee reported a rule for the consideration of H. R. 3279, to increase the maximum rates of per diem allowance for employees of the Government traveling on official business. pp. 7209, 7227
4. ACREAGE ALLOTMENTS. Passed as reported S. 1372, to authorize the temporary release and reapportionment of pooled acreage allotments on lands acquired by agencies having the right of eminent domain. p. 7180
5. TAXATION. Passed as reported H. R. 6413, to extend to fishermen the same treatment accorded farmers in relation to estimated income tax. pp. 7184-5
6. TARIFFS. The Ways and Means Committee reported without amendment H. R. 6611, to reduce temporarily the exemption from duty enjoyed by returning residents (H. Rept. 384). p. 7226
7. MINING. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendments H. R. 2924, extending the time in which to file adverse suits against mineral entries in the district of Alaska. p. D334
8. LEGISLATIVE PROGRAM. Rep. McCormack announced that the Labor-HEW appropriation bill for 1962 will be considered on Wed., May 17. p. 7209

#### ITEMS IN APPENDIX

9. MINIMUM WAGE. Extension of remarks of Rep. Derwinski inserting an article, "Cynical Politics in Wage Law." pp. A3277-8
10. FARM LABOR; MARKETING ORDERS. Extension of remarks of Rep. Wharton criticizing consideration of extending the Mexican farm labor program when there is unemployment in this country and discussing the milk marketing order in his district in N. Y. "that has effectively been maneuvered by the milk corporations in a manner that has all but eliminated the family farm." p. A3279
11. COOPERATIVES. Rep. Johnson, Wisc., inserted an article, "Farmers Union Central Exchange Has Near Record Year," discussing highlights in the growth of the Exchange. pp. A3285-6
12. EXPENDITURES; APPROPRIATIONS. Rep. Pelly inserted a magazine editorial which "explains the backdoor spending loophole by which congressional spenders are able to finance programs outside the scrutiny of Committees on Appropriations ...." p. A3289
13. PURCHASING; CONTRACTS. Rep. Multer inserted an article, "Government Requirements Contracts -- Snares for Unwary Contractors," discussing the use of term requirements contracts by the Government for the procurement of goods and services under which the contractor agrees to supply goods and services during a specific period of time at a fixed price. pp. A3293-4



the Fund must not have been operated in a manner to jeopardize the interest of its beneficiaries from its inception, the bill was unanimously reported.

Mr. MASON. Mr. Speaker, this bill deals with a matter that is similar to matters the Congress has previously dealt with concerning employee pension funds.

The problem involved is whether or not a pension trust is qualified for income tax exemption and whether or not employer contributions to the trust are deductible. Occasionally it is difficult for a pension trust to achieve qualified status before employer contributions are received by it. H.R. 1877 would provide that the Plumbers Union Local No. 12 pension fund of Boston, Mass., will be considered as a qualified and exempt trust from the time of its establishment in 1954 up until June 3, 1959, subject to certain findings by the Secretary of the Treasury. Thus employer contributions to the fund will be deductible to the extent made during the period affected by the bill and income earned by the trust during the period would be exempt from tax.

Mr. Speaker, this bill was unanimously reported by the Committee on Ways and Means.

Mr. MILLS. Mr. Speaker, I ask unanimous consent that the gentleman from Illinois [Mr. MASON] and I may have permission to extend our own remarks in further explanation of these bills immediately after the passage of each one of them.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

#### CONTINUATION OF MEXICAN FARM LABOR PROGRAM

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 271 and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Agriculture, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommitt.

#### CALL OF THE HOUSE

Mr. COHELAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 51]

Alford	Gray	Roberts
Anfuso	Hemphill	Shelley
Blitch	Henderson	Sibal
Bonner	Holifield	Smith, Miss.
Breeding	Inouye	Spence
Buckley	Jones, Ala.	Springer
Byrnes, Wis.	Kelly	Thompson, La.
Celler	Libonati	Thompson, N.J.
Cook	McSweeney	Utt
Dawson	Machrowicz	Walter
Devine	Miller, N.Y.	Williams
Dominick	Morrison	Willis
Dooley	Moulder	Wilson, Calif.
Downing	Powell	Winstead
Evins	Rains	Zablocki
Gallagher	Riley	

The SPEAKER. On this rollcall 384 Members have answered to their names, a quorum.

By unanimous consent further proceedings under the call were dispensed with.

#### CONTINUATION OF MEXICAN FARM LABOR PROGRAM

Mr. SISK. Mr. Speaker, I yield to the gentleman from California [Mr. SMITH] 30 minutes, and yield myself 8 minutes.

The SPEAKER. The gentleman from California is recognized.

Mr. SISK. Mr. Speaker, House Resolution 271 provides for the consideration of H.R. 2010, a bill to amend title V of the Agricultural Act of 1949, as amended, and for other purposes. The resolution provides for an open rule, waiving points of order, with 1 hour of general debate.

In 1951, the Congress approved Public Law 78, 82d Congress, which added title V to the Agricultural Act of 1949. The authorization provided by Public Law 78 for the temporary employment in U.S. agriculture of Mexican workers expires December 31, 1961. H.R. 2010, as amended, would extend this authority for an additional 2 years, until December 31, 1963.

This statute has been implemented by an agreement with Mexico which sets forth in substantial detail the procedures, terms and conditions of the contract of employment and other matters.

The program is almost entirely self-supporting and will not burden our financial structure.

Since 1950, the average number of hired farmworkers on U.S. farms has declined from 3,190,000 to 1,869,000 as a result of technological developments. Despite this, some farm operations, such as weeding vegetables or harvesting fruits and vegetables, are performed in approximately the same manner as decades ago. Much of this work is generally called stoop labor. It is a kind of work that few U.S. citizens will do and it is this kind of work that most Mexican workers are engaged in.

Mexican nationals are used primarily in the production and harvesting of such crops as lettuce, sugar beets, tomatoes, cotton, peaches, berries, and other fruits and vegetables. For these commodities

virtually any commercial producer must hire workers for weeding and harvest operations which he cannot use the rest of the year.

Therefore, Mr. Speaker, I am again supporting the extension of Public Law 78 as I have supported it throughout my service in Congress. I wish to make it irrevocably clear, at this time, however, that it is my opinion that this will be the last time I shall take the floor in defense of this program. Certainly this is true unless there are substantial changes either in circumstances or in the application of the law as it applies across the country.

I have always defended Public Law 78 and the use of Mexican nationals because it was my opinion that they were desperately needed to meet emergency conditions which arise in the harvesting of particularly perishable commodities. That situation still exists in my own area of California and I feel that the farmer is entitled to the protection of a stable labor force and some assurance of being able to harvest the crop in which he has invested, in many instances, his total savings.

However, Mr. Speaker, conditions have arisen and do exist in other areas of our Nation which have led me to have grave concern about this program. They have to do primarily with the very low wage which is paid in some areas of our country; a wage which I feel is totally inexcusable since, in many instances, they are growing the very same crops as are the California farmers and where our wage today in agricultural labor is averaging \$1.10 per hour, in other areas of the country the crops identical to ours are being harvested at from 40 to 50 cents per hour. As I have said before, this to me is without reason and inasmuch as Public Law 78 may be construed to influence and continue this type of a situation, I think the time has come to stop and consider making such changes as will correct this situation.

Let me say in addition, Mr. Speaker, that I have come to the firm conclusion that the only proper and correct answer to this situation is a national minimum wage law for agricultural workers. I am prepared to support the enactment of such a law since to me there is no possible justification for the differing wage scales which exist at the present time in various areas of the country.

I would like to give an example of a situation which exists right in my own State which I feel to be without justification. This has to do with the fact that agricultural wages in the Imperial Valley of my own State are as much as 30 cents per hour lower than the wages paid in my area of the San Joaquin Valley of California. This is inexcusable; there is no possible justification for it. There is no reason why the growers of the Imperial Valley cannot pay \$1 or \$1.25 per hour, the same as the growers in central California are paying at the present time. I know that many Members of this House are aware of certain labor problems which occurred during the lettuce harvest in the Imperial Valley this past winter. Frankly, I have little sympathy for the lettuce growers



of the Imperial Valley or, as a matter of fact, any growers anywhere who are attempting deliberately to keep wages substantially below \$1 per hour.

I realize, Mr. Speaker, that some of the statements that I am making may appear to place me in an inconsistent position in view of my already expressed support for the extension of Public Law 78, but I do not feel such to be the facts.

I have found it impossible to support the administration bill—the so-called Coad bill—because I am opposed to the principle involved in the proposal which, in essence, would turn over to the Secretary of Labor the power to set up or prescribe a national minimum wage for agricultural workers.

Now as I have heretofore stated, I am supporting and shall continue to support a national minimum wage law for agricultural workers. I feel that it is the prerogative of the Congress to act in this field and I will oppose, as a matter of principle, any abrogation of our jurisdiction over this matter in the legislative field.

My only justification at the present time for supporting the 2-year extension of Public Law 78 is to give us an opportunity to work out the problems which at present exist and to which I have referred. I well realize the cost-price squeeze in which our farmers find themselves at the present time, and I think we have a definite obligation and responsibility to do everything in our power to improve the income of the farmer in order to place him in a position where he can pay a living wage to our American citizens who must make their living from agricultural labor.

I wish to say at this time, Mr. Speaker, that there has been a lot of criticism of this program with reference to the fact that only a few large growers can benefit. In all fairness, the small growers need this program in many instances more than the big growers. Our large operators are in a position to mechanize and buy machinery to harvest mechanically their crops, whereas the small farmers cannot afford to do that. So for that reason I do want to make it clear that this is not a situation of pitting the big farmer against the small farmer. The small farmer needs a reliable labor force just as much as the large farmer because he is particularly dependent upon this type of labor and he must have it to harvest his perishable commodities.

In conclusion, Mr. Speaker, I wish to make it implicitly clear that I am tired of the unfair competitive picture with which my farmers are faced in the production and harvesting of our crops and that because of my strong feelings about the unfairness of this situation, I felt it necessary to outline as clearly as possible my own position with reference to the urgent need to extend a minimum wage law to the agricultural workers of our Nation.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. I just want to know the attitude of the Asso-

ciated Farmers of America. Are they for or against this bill?

Mr. SISK. Well, it is my opinion, I might say to my good friend, that they are probably in favor of this particular piece of legislation. However, I have not heard directly from the Associated Farmers of California. The Farm Bureau Federation is supporting it, and a great many farm organizations across the country are supporting it.

Mr. McCORMACK. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Massachusetts.

Mr. McCORMACK. Is there any place in the United States where an American citizen, working in this field, gets less wages than the Mexican workers?

Mr. SISK. Did the gentleman ask that in the form of a question? Are there such circumstances existing?

Mr. McCORMACK. Yes.

Mr. SISK. It is my understanding that there are some areas in the country where this situation has been found to exist. However, I personally do not know of them of my own knowledge. Now, it has been reported, and I know there have been statements by the Department of Labor to this effect.

Mr. McCORMACK. Is not the American worker entitled to at least the same pay that the Mexican worker gets?

Mr. SISK. He certainly is. I completely agree with my leader that they are entitled to as much and in many cases more.

Mr. LANE. Mr. Speaker, will the gentleman yield?

Mr. SISK. I yield to the gentleman from Massachusetts.

Mr. LANE. Mr. Speaker, it was only last week that the Congress passed a bill to raise the minimum wage and to extend its coverage to more workers through the medium of the Fair Labor Standards Amendments of 1961. A majority of the Senate and the House, together with the President, regarded this as a step forward. Public opinion agreed.

Now, in considering the bill to continue the Mexican farm labor program, we are in danger of contradicting ourselves if we authorize and encourage the import of cheap labor from another country that would undercut the wage standards of our own agricultural workers.

I seriously question whether any overall wage policy can succeed by going forward and backward at the same time. H.R. 2010 sidesteps the substandard wage factor by focusing attention on the emergency need for seasonal or temporary agricultural workers.

If the need is so urgent, higher wages should attract a sufficient number of our own people to these seasonal tasks. Rather than do this, the growers tell us that they cannot survive unless they are permitted to import cheap foreign labor. This is a throwback to the early part of this century, when owners of textile mills sent agents to recruit help in Europe. The surface reason was the need for textile operatives. The hidden reason was the determination to secure

a labor surplus that would hold wages at substandard levels.

In reading the Committee on Agriculture's favorable report on H.R. 2010, I noticed that, while such words as "farm wages" and "index of farm wages" were mentioned, there was no reference whatsoever in dollars and cents to give us a clear picture of the minimum wage paid to Mexican workers who are recruited for seasonal farm employment in the United States. This is a curious omission of a vital fact. There is no minimum wage to protect the 2½ million farmworkers of the United States, that former Secretary of Labor Mitchell described as "the excluded Americans."

This is the opening; the invitation to import braceros who are eager to work for wages higher than they would receive in Mexico, but lower than American fair labor standards.

Apparently there was no need for Mexican seasonal workers up to World War 2, when this program got its foot in the door due to a wartime shortage of domestic or domestic agricultural labor. Through the device of extension, an emergency program is being stretched out into a permanent policy.

By playing off Mexican farmworkers against our own, the net effect is to exert economic pressure against the agricultural workers of our country.

The whole case for the continuation of the Mexican farm labor program is rooted in expediency. Even some of the Members who vote for H.R. 2010, must wish that we had the opportunity to legislate a constructive solution to the problem of temporary agricultural employment.

For my part, I cannot go along with a program that depresses the standards and hopes of seasonal farmworkers who reside in, and are citizens of the United States. For this reason, I oppose H.R. 2010.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, although I do not know personally because I was not here, some of the senior Members have just told me that it was this particular matter that was being debated some 8 years ago when the shooting occurred in these chambers. So, if I see any of you looking around from time to time today, I will know why it is.

Mr. Speaker, on the particular bill here, my distinguished colleague, the gentleman from California [Mr. SISK] and I are new members of the Committee on Rules and, for the most part, on controversial matters, we have found ourselves voting in opposite directions. But, I am pleased to say that today we are both in support of H.R. 2010, which will continue this program, we hope, for another 2 years. The rule provides for 1 hour of general debate. It is an open rule. Points of order are waived against the bill, which I think is necessary, because it calls for an implied



appropriation of about \$15 per person in the revolving fund. The bill is about as simple, from a language standpoint, as any we will consider this year. It simply strikes out a date. The act is now scheduled to expire on December 31 of this year. It substitutes in place thereof December 31, 1963, which means it is a 2-year extension of this particular program.

Mrs. CHURCH. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to the gentlewoman from Illinois.

Mrs. CHURCH. I would like to express to the gentleman the disappointment of many of us who surely hoped, after this length of time, that certain amendments to this legislation would be offered and, at least, accepted by the committee before it was brought to the floor. And I would like to ask the gentleman if it is not true that in the failure to recognize the need for amendments we are not only failing to meet some of the needs of the Mexican migrant workers but also depressing the situation of our own workers within the United States. Does the gentleman feel that the bill is as meaningful as he seems to indicate and that a simple extension, just changing the expiration date, actually meets and cures the situation?

Mr. SMITH of California. It is an open rule and amendments may be offered and, I anticipate, will be offered. If this program is to be further studied, which I think it should be, and if the minimum wage principle is brought in, then I think we should bring in further legislation and have it disposed of on the floor.

In my opinion it should not be tied in with this program. It would not be fair to the agricultural people particularly in the State of California, in which I am most keenly interested, to have this program just stopped. If that were done, we would not be able to harvest our crops in this season.

Mrs. CHURCH. Mr. Speaker, may I say further to the gentleman that one reason why I with some reluctance for some time have supported this program is because I do recognize that there is a need; or at least it has been continually stated to me that there is a need, for this Mexican stoop labor. But I am still unwilling to accept the fact that we cannot give more protection to the imported Mexican laborers, and particularly more protection to our U.S. migrant farm laborers. Merely to extend this act, without consideration of connected problems that must be faced is not adequate or responsible action.

I thank the gentleman.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield to my colleague.

Mr. TEAGUE of California. Mr. Speaker, I should like to say to the gentlewoman from Illinois [Mrs. CHURCH], if I may, that the Committee on Agriculture considered a great many amendments but declined to adopt any of them, by a vote of 27 to 3. In my remarks during general debate I shall discuss these amendments and explain

why 27 out of 30 members of the committee felt that they were not necessary, appropriate, or practical.

Mr. SMITH of California. Mr. Speaker, I know that all these arguments both for and against this particular bill will be set out in the general debate. The report on the bill is well written. I should like at this time to take a few minutes to explain one particular reason why I happen to be in favor of this bill. I may be accused of witch hunting in these remarks, but for a number of years I was in charge of the subversive activities section of the FBI, in the Los Angeles office; that is, un-American activities—communism, espionage, sabotage, and the like. One of our problems, of course, was the possibility of the encroachment or the extension and development of communism amongst our Mexican neighbors who are closest to the south. We had that problem for some period of time and anticipate that it will continue.

We have seen what Russia has done so far as Cuba is concerned, our neighbor only some 90 miles away. We have this problem today, I can assure you. I still have some of the contacts that I had at that particular time, who tell me that it is a problem.

Now, how do I tie that in with this bill? We have some 315,000 workers who come up here from Mexico. If we do not provide them with this work at this time, work which they are looking forward to, if we just cut off this program, there will be that large number of people out of work in Mexico. They anticipate coming to the United States to earn some money, to help them live, buy clothes, and return back to Mexico, taking the money with them, which will help the economy of Mexico, at least to that extent.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield.

Mr. COHELAN. Is the gentleman suggesting that the use of foreign agricultural labor in this case is a sort of a point 4 program?

Mr. SMITH of California. I shall answer that in just a few minutes. My thought simply is that those people, going back with this extra money, will help their economy. But if we cut off these 315,000 people, they will have to find employment in Mexico, employment which they were anticipating getting here, and which will be difficult, in my opinion. What happens? I think we must admit that communism tends to spread in bad times, sore times, cankerous conditions, when unemployment is high. That seems to be when it will spread. We have a foreign aid program under which we give away money. Why is it not logical to consider this as a type of foreign aid program, to help their economy, in return for which we will get some help for our agricultural growers in the United States? We will be getting some return for our money.

If we had people in the State of California who would do this work, or people who would come from other States who would do the work, I would not make that statement. In such case they would be taking employment away from our

people. But we do not have anybody out there who will do this stoop labor at the present time.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield.

Mr. COHELAN. I asked the question whether this could not be considered a kind of point 4 program. I wonder if the gentleman could clarify this point for me, whether or not this matter was taken up with the Department of State. Does the gentleman think the Department of State would approve this program?

Mr. SMITH of California. The comments that I made were made out of my own personal experiences and were my own opinion. But I have not taken this matter up with the Department of State.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. SMITH of California. I yield.

Mr. TEAGUE of California. Perhaps I misunderstood the gentleman from California, but it is true that every year, including this year, the Department of State has sent one of its representatives before our committee supporting this program. That occurred again this year.

Mr. SISK. Mr. Speaker, I yield 4 minutes to the gentleman from California [Mr. COHELAN].

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, with all due respect to my distinguished colleagues on the House Agriculture Committee, I do not believe they have considered all the ramifications of Public Law 78. Their report gives scant consideration to the great body of testimony submitted during the committee's hearings by small farm organizations, church groups, labor organizations, consumers groups and citizens groups—testimony against the extension of Public Law 78 without reform.

Unless all of this testimony is considered, the Members of the House will not have the opportunity to vote on H.R. 2010 intelligently. It would be impossible for me or my colleagues to present our material in 1 hour. This is a tremendously complicated subject, and we need time to present our side of the story.

I, therefore, urge that the 1-hour open rule on H.R. 2010 be defeated.

We need time to present materials relating to the following areas, not covered in the report of the House Agriculture Committee which accompanies H.R. 2010:

Area No. 1: H.R. 2010 is based on the proposition that American agriculture cannot solve its labor problems without the help of the Federal Government. Approval of H.R. 2010 would constitute a congressional okay to the exploitation of about 2 million American farmworkers who are already at the bottom rung of the economic ladder. As a result it would foster the theory that the U.S. Government owes growers who benefit from Public Law 78—less than 2 percent of the growers in the United States—a labor force.

Area No. 2: Public Law 78 makes the law of supply and demand in the labor



market inoperative; growers cannot hypocritically support this basic economic law as it applies to commodities, while denying it as it applies to human labor.

Area No. 3: According to the Secretary of Labor and the present administration, the mass importation of Mexican labor has had, and is having an adverse effect on the wages, working conditions and employment opportunities of domestic farmworkers—men, women, and children who are the poorest of the poor in our society.

Area No. 4: A vote for H.R. 2010 would constitute a vote against the Negro and Mexican-American families who for the past 50 years have been the backbone of the U.S. seasonal farm work force. These people have been described by the proponents of Public Law 78 as unreliable, winos, skid row derelicts, the dregs of the American labor force. We need time to defend these workers—one of the hardest working and least compensated groups in the American labor force.

Area No. 5: The proponents of Public Law 78 are inflicting an insult on the proud Mexican people by claiming that they are willing to perform labor that is below the dignity of American working men and women.

Area No. 6: Despite allegations to the contrary, Public Law 78 has an adverse effect on small farm operators and the members of their families. We would like to have time to introduce testimony presented before the Gathings subcommittee by representatives of the Grange and the Farmers Union which was not included in the report of the House Agriculture Committee.

To sum up, we need time to present our argument that the U.S. Congress—representing all of the people of the United States—cannot continue to condone a farm labor system in the United States rooted in poverty, unemployment, and underemployment both at home and in Mexico.

I, therefore, urge my colleagues to vote against the rule.

Mr. SMITH of California. Mr. Speaker, I yield 10 minutes to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. The gentleman from California [Mr. COHELAN] spoke very fervently about the need for time. I would like to remind the gentleman from California [Mr. COHELAN] and the gentleman from Iowa [Mr. COAD] and other advocates of his position that our subcommittee held weeks, or days at least, of hearings and there was no appearance by the gentleman from California [Mr. COHELAN] and the gentleman from Iowa [Mr. COAD] or the distinguished majority leader presenting their cases there. There was no appearance really before the main Committee on Agriculture and also, I understand, there was not any appearance before the Committee on Rules.

Mr. COAD. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I gladly yield to the gentleman.

Mr. COAD. I believe the gentleman should be corrected on that matter. I think you were aware that in the com-

mittee, I made a complete presentation of the bill, H.R. 6032. The full committee considered the merits of that and the gentleman knows that, he was there.

Mr. TEAGUE of California. That is quite correct, and I stand corrected on that. It is true, however, that there was no plea made at the time of the hearings, before the subcommittee, and there was plenty of opportunity to do so.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield to the gentleman from North Carolina.

Mr. COOLEY. As you say, I was advised that the gentleman from Iowa did not appear before the subcommittee and advocate what he is now proposing. He came to the meeting of the full committee on the morning we were preparing to report the bill, and just as we started to call the roll, he asked recognition, according to my recollection, and we stopped the rollcall and adjourned until the next day in order to give him the opportunity to present his views. His views were presented and were considered by the committee, and the proposal was rejected.

Mr. TEAGUE of California. By a vote of 27 to 3, as I recall.

Mr. COAD. Mr. Speaker, if the gentleman will yield for a further correction, this bill was to be brought up at the very tail end of a session of the House Committee on Agriculture at 12 o'clock noon on a certain day, the date of which I do not recall at the present time. But, I asked it be put off to another date so that it could be given more complete and adequate consideration. The gentleman from North Carolina [Mr. COOLEY], the chairman of the House Committee on Agriculture, was kind enough to put it off and at that time, it was more thoroughly discussed. It was not just a matter of my asking for recognition when the rollcall vote was about to be taken.

Mr. COOLEY. Mr. Speaker, if the gentleman will yield, my recollection is that the gentleman from Iowa did not present his proposal until we were preparing to vote the bill out. Then, he wanted to be heard and we continued the hearing to give him an opportunity to be heard.

Mr. TEAGUE of California. That is my recollection.

Mr. COOLEY. He was fully heard and was defeated on his proposal.

Mr. TEAGUE of California. That is exactly right.

Mr. COAD. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I decline to yield further at this time.

Mr. Speaker, I know of no subject about which there is more misconception than the arrangement between the United States and the Republic of Mexico to bring Mexican national farmworkers into this country to do farmwork.

Prior to the existing treaty, some 1 million Mexicans crossed the border each year illegally to do the harvesting work now being done by a much smaller number of legal workers. These illegal entrants were called wetbacks. They

roamed around the country, principally in the West, under no control or regulation, and sometimes greatly added to our law-enforcement problems. The number of illegal entrants has decreased from the former million to a total of about 30,000. The 315,000 Mexican nationals coming in legally under the treaty cause only a very small percentage of the problems formerly created by the wetbacks.

The treaty requires that these nationals be properly transported, housed, fed and insured. Mexican and United States Government officials travel throughout the areas of our country using braceros to make certain the treaty provisions are followed to the letter. When they return to Mexico, in most cases at least, they—the Mexicans—are emissaries of good will for the United States. While they are here, they earn as much per hour as they earn per day in Mexico. Part of that money they spend in America, and part, of course, they take home with them. Much of it comes back to this country in the form of payment for our exports to Mexico and we have a favorable balance of trade with that country. Their savings enable the braceros to start businesses and farms of their own in Mexico. They also learn modern farming methods while working in the United States.

People frequently ask: "Why should we bring in workers from Mexico when we have 4 or 5 million unemployed persons in this country?" The answer is: "Not enough domestic American workers are willing to do hard farm labor."

Several persons appeared before our subcommittee and stated that the program should be abandoned. All of these people were well intentioned, and some of them were clergymen. They did demonstrate, however, an abysmal ignorance of the real situation.

Along with scores of persons, mostly farmers—small, middle-sized, and large—testifying for a continuance of the program were two clergymen from California who, for years, have had the opportunity to make first-hand observations of the bracero program in action.

They stated that, without question, there are simply not enough domestic workers to get the crops in. One of the clergymen, the Reverend Loyal Vickers of San Bernardino County, Calif.—an area with substantial unemployment—told us that 68 churches in his region conducted a recruitment drive and were able to sign up 500 persons who said they wanted to pick oranges. In spite of the fact that these people were paid well over \$1 an hour, only 30 of them stuck with the job more than a few days. The Reverend Mr. Vickers personally followed through and found that those who quit did not do so because of the wages involved, but frankly said they just did not want to do farmwork of this nature.

Mr. HAGEN of California. Mr. Speaker, will the gentleman yield?

Mr. TEAGUE of California. I yield.

Mr. HAGEN of California. I would like to invite the gentleman's attention to some confirmation of this from labor organizations. There was a story in the



Examiner-News containing this paragraph:

Clive Knowles, international representative of United Packinghouse Workers of America, said "It is clear that for the present some Mexican bracero supplemental labor will be needed in many areas."

And only recently in California a representative of the Teamsters Union said publicly that there is not enough domestic labor available for "stoop jobs" and said they would support the use of Mexican workers on the Antle farms when necessary. This was with reference to a farm that had some kind of agreement with the teamsters local.

Mr. TEAGUE of California. I thank the gentleman for his contribution.

It is sometimes stated that the bracero program works only for the benefit of the large farmers. This is simply not true. There are two good reasons why it is not: One, large farmers can afford to mechanize, and most small farmers cannot; and two, if our total domestic farm labor supply were not supplemented by the braceros, a shortage of available workers would surely develop. Then, the large farmers could afford to outbid the small ones because the former could afford to take a financial loss for a year or two. On the other hand, the small operators would go bankrupt and would be forced out of business entirely. The larger farmers would be in a position to gamble that the subsequent drop in production would tend to force up farm prices—and consequently food prices—so that they could again make a living.

With respect to the amendments to the existing law which have been suggested, it is the conviction of all but 3 out of 35 members of the House Committee on Agriculture that:

First, the Secretary of Labor presently does have, through the system of certification, all the authority necessary to limit the number of foreign workers used by any employer. He has done this on many occasions.

Second, the proposal of the Secretary of Labor to guarantee domestic workers the same conditions of work afforded the Mexican nationals is completely impractical—except in the matter of wages, for which equality is required under existing law.

For instance, Public Law 78 and the treaty with Mexico require that the farmers provide transportation and decent housing. When an employer transports Mexican nationals to his farm, he has reasonable assurance that they will work for him. If they do not, they are returned to Mexico. This rarely happens because they want farmwork. But if that same farmer is required to transport, again at his expense, domestic workers from Chicago to California, he has no assurance whatsoever that they will work, and the evidence is conclusive that in the great majority of cases most of them will not. They have just come along for the ride.

Many small farmers use Mexican nationals for only a few days out of a year. These men do not have their families with them and they live at one of the local camps—under State and Federal

supervision. How, possibly, can that small farmer afford to provide comparable housing for a domestic worker who almost always has his family with him?

Third, the Secretary has sufficient authority in the present act to limit the kind of work for which a foreign worker can be used. This, again, he has done on many occasions in the past under the present act.

Fourth, the request of the Secretary of Labor for authority to set wages of domestic American citizen workers is improper as an amendment to Public Law 78. That was a point Mr. Hagen made so effectively. It should be considered under the Fair Labor Standards Act—minimum wages—or in a separate piece of legislation and not tied into a bill of this nature as an extraneous amendment.

You will note the Department of Labor agrees that the legislation should be extended for 2 years.

The only argument, then, is whether the amendments are necessary or practical. I hope that I have demonstrated that they are neither. Remember, please, that no farmer may employ a Mexican national unless both the Federal and State Departments of Labor certify that there is no domestic worker available to do the work.

Mr. SISK. Mr. Speaker, I yield 4 minutes to the gentleman from New York [Mr. SANTANGELO].

(Mr. SANTANGELO asked and was given permission to revise and extend his remarks.)

Mr. SANTANGELO. Mr. Speaker, I wish to discuss H.R. 2010 extending the bracero program for 2 years.

H.R. 2010 demonstrates a callous disregard for the criticism raised against the bracero program. It shows contempt for the respect and dignity of the farmworker in a dignified industry, agriculture. It brushes aside the recommendations of the farm consultants who reported in 1959 to the Secretary of Labor that the Mexican farm program was undermining the deplorable economic conditions of the farmworker. It rejects the recommendations of the present Secretary of Labor which are incorporated in the Coad bill H.R. 6032. It says to this body we shall continue to import Mexican workers despite the adverse effect upon domestic labor, despite the substandard housing conditions and unsanitary conditions under which the bracero is living.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. SANTANGELO. I yield to the gentleman from North Carolina.

Mr. COOLEY. The gentleman, I am certain, wants to be perfectly fair with the membership of the House. The Secretary of Labor must find that the employment of Mexican workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

Mr. SANTANGELO. I have seen the program work. It is a farce, it is ridiculous, especially in California and in Arkansas, because those approvals are being automatically done. There is improper investigation, there is cooperation be-

tween the growers and the Department of Agriculture and the Department of Labor and Immigration Service. I would like to finish my statement. I shall offer an amendment and I would like to amplify my remarks.

The American community rejects the idea that the power and authority of Government should be used in such a manner as to perpetuate a farm labor system that is based on poverty and destitution, not only at home but in neighboring countries as well.

Yet, at the present time, that is the kind of a farm labor system we have in the United States. The proof of this thesis lies in the answer to two basic questions:

First. Where would growers who employ Mexican labor obtain their hired hands if poverty and unemployment were not widespread in Mexico?

Second. Where would growers find domestic workers willing to migrate from harvest to harvest at substandard wages, working, and living conditions if there were not poverty and unemployment in the home areas of our migratory farm work force?

The answer to these questions is simple. If this pool of underprivileged workers were not available, American growers would have to compete on the open market for their labor. They, like industrial employers, would have to plan their production schedules in accordance with the labor market situation. They would have to offer wages and working conditions that would appeal to domestic workers. They would have to see to it that farmworkers, like industrial workers, were covered by such protective legislation as unemployment insurance, workmen's compensation, and minimum wage laws. In short, they would be forced to raise employment standards in agriculture.

However, because there is poverty at home and in nearby countries, the American grower does not have to worry about such things. Because his workers are exempt from most social and labor legislation, he can ignore taxes for unemployment insurance, insurance rates for workmen's compensation, industrial child labor laws, minimum wage laws, and laws which guarantee workers the right to organize into unions. If he pays piece rates, he doesn't even have to deduct withholding taxes.

The American grower is indeed a privileged employer. The average small businessman or industrialist would like to be in such an enviable position.

Take the case of foreign labor, for example. If growers in the Southwestern part of the United States find it impossible to recruit domestic labor at the prevailing wage rate, they can petition the U.S. Secretary of Labor to declare a labor shortage and recruit cheap labor from Mexico.

No wonder growers fight to maintain the status quo. Free enterprise and the law of supply and demand were never like this.

Does anybody seriously question the fact that the presence of these foreign workers has an adverse effect upon do-



mestic workers? If so, consider these facts:

Each year approximately 60,000 domestic workers leave the State of Texas because the wage rates offered them by Texas growers are so low. They are replaced by Mexican nationals.

Several areas in California, Texas, Colorado, New Mexico, and Arizona which at one time employed mostly domestic workers are now considered bracero-dominated areas by the Department of Labor.

Wages paid by growers who employ both domestics and Mexicans are lower than those paid by employers who hire domestics exclusively.

The total labor costs of New York State tomato growers—who hire mostly domestic labor—are \$14 per ton. In California, where tomato growers depend almost exclusively—95 percent at peak season—on Mexican nationals, the total labor costs are only \$9 per ton.

Approximately 50,000 braceros are employed in skilled occupations, some on a year-round basis. The jobs at which these braceros are employed include: tractor and truckdrivers, irrigators, ranch hands, packing and sorting operations, among many others. The employment of braceros in these jobs definitely has an adverse effect on the opportunities of domestic farmworkers to move from common laborer into higher paid skilled farm occupations.

These examples can be multiplied many times. Despite what has been said by the proponents of Public Law 78, the consultants appointed by former Secretary of Labor Mitchell to review Public Law 78 have made some very valuable recommendations—recommendations that have been incorporated in the administration's bill, H.R. 6032. I, for one, cannot believe that men such as Senator Thye, Chancellor Von Kleinsmid, Monsignor Higgins, and Mr. Garrett could have been completely biased, as has been charged, in their report to the Secretary. Nor do I think these distinguished men are so naive or uninformed—after studying the program for months—to have been completely erroneous in their report.

The amendments proposed by the administration would incorporate most of the reforms recommended by the consultants.

It would restrict the employment of Mexicans to unskilled, seasonal jobs.

It would give the Secretary of Labor greater authority to require farmers to make direct, positive efforts to recruit domestic workers and to compete for available domestic labor.

It would authorize the Secretary of Labor to establish clear criteria for adverse effect.

The question we have to decide is whether we are going to perpetuate a system which amounts to little more than indentured labor, or whether we are going to begin now to eliminate a farm labor system based on poverty.

It is my opinion that the conscience of the American people will soon rebel against this program which is of benefit to less than 2 percent of the total number of farmers in the United States; a

system which exploits the poor of an underdeveloped nation, and by so doing, lowers labor standards at home.

It is my privilege, therefore, to give my unqualified support to these amendments.

Mr. SMITH of California. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. GUBSER].

(Mr. GUBSER asked and was given permission to revise and extend his remarks.)

Mr. GUBSER. Mr. Speaker, to truly understand the bracero problem is impossible unless one understands the mechanics of operating a farm which requires the hiring of a tremendous supply of labor. Without casting aspersions on the sincerity of some remarks which have been uttered here today, I must say in all candor that I suspect that some of the people making these statements do not have the understanding of which I speak.

I do not believe that the bracero program, Public Law 78, has had an adverse effect upon domestic labor. I think quite the contrary is the fact.

Let us look at the record. It is found on page 5 of the committee report. Farm wages in the United States have increased steadily. In 1950, the index of farm wages published by the U.S. Department of Agriculture was 432. In 1960 the index was 629, or an increase of 46 percent. I do not have the figures before me, but I am willing to wager that this increase in farm wages compares favorably with increases for industrial labor.

The bracero program has resulted in an increase in farm wages, and here is why. The law requires that you pay the bracero the prevailing rate paid the domestic worker. And, by interpretation and regulation, the transportation which is furnished to the bracero, the health insurance, and other perquisites have come to be considered part of his wages. The result is that domestic labor is gradually coming to enjoy these benefits as well. In my own district, where a number of braceros are employed, I have found that the effect is to accelerate the domestic wage rate rather than depress it. Most farmers would prefer to pay 5 or 10 cents more per hour than accept the extra problems involved in hiring braceros. Wage surveys are made only for domestic workers. Therefore the prevailing rate goes up and so does the rate for the braceros. Then the cycle starts over again.

Mr. Speaker, you cannot ignore that there is some relationship between ability to pay wages and the wage paid. How can we absorb a faster increase than 46 percent in 10 years when over the same 10-year period the price of farm commodities has gone down? In 1942 you could buy a D-4 Caterpillar tractor for \$2,600. In 1945 you had to pay \$4,000 for it, and today you pay \$12,000 for that tractor. In our farm bills we have recognized consistently that the farmer is caught in a price squeeze; that the price of what he buys goes up and the price of what he sells goes down. I think the record of a 46 percent increase in 10 years is a remarkable record, and the

American farmers are to be congratulated for having accomplished it.

Just 2 weeks ago I was out in my district. I talked to a farmer who asked a man if he wanted to come to work for him at \$1.50 an hour. Do you know what the answer was? "No, I will disqualify myself from my unemployment insurance."

In my hometown newspaper every week we see headlines "Strawberry pickers needed." The farm labor office says "We need workers here and workers there," and every time they publish such an announcement, they also announce hundreds of new claimants for unemployment insurance and hundreds of continuing claims. These people who are drawing this unemployment insurance are experienced farmworkers, but for reasons better known to themselves than to me—they will not do farmwork.

Our wages in California are not as bad as some people contend they are. Our average wage is \$1.09 per hour. We are paying 15 to 18 cents a box to pick tomatoes. Nothing in the world can keep any man, with reasonable diligence, from picking 150 boxes of tomatoes in a single day. That means he makes from \$22.50 to \$30. This is not a starvation wage.

I suggest to some of the Members who perhaps have fallen victim to a bit of distorted propaganda that they come out to the fields of California and see the opportunity for employment that is there and the opportunity for work at decent wages that is there.

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from West Virginia [Mr. BAILEY].

Mr. BAILEY. Mr. Speaker, once more I find it necessary to come down to the well of the House to oppose this type of legislation. I had hoped that this law would be permitted to expire with its present termination date. It does mayhem to every other piece of labor legislation on the statute books. Under this the Mexicans brought into this country are exempt from the payment of income taxes; they are exempt from the requirements of social security, from the payment of any of the compensation provisions. In other words, if they run away from the farmer in Texas or southern California who employs them, they become public charges and have to be taken care of and may have to be sent back to Mexico at Government expense.

Mr. Speaker, let me say that one of the worst features of this bill is the minimum wage limitation of 50 cents. In all of the farm sections in the Eastern part of the country from Florida to western New York the minimum wage is 75 and 85 cents to migrant farmworkers who come up from Florida into western New York. Under this arrangement, with a limitation of a minimum wage of 50 cents, a large producer of farm products in southern California can grow tomatoes on that farm, squeeze the juice out of them and ship the juice to the Campbell Soup Co. in New Jersey for less money than they can grow it on the farm next to the plant in New Jersey.

Mr. Speaker, this bill should not be before the Congress today. It had no



business going to the Committee on Agriculture. It belongs to the Committee on Labor and I can assure you that no legislation of this kind would reach the floor of the House if it were sent to the Committee on Labor. I would like to see it defeated.

Mr. SISK. Mr. Speaker, I yield 8 minutes to the gentleman from Iowa [Mr. COAD].

(Mr. COAD asked and was given permission to revise and extend his remarks.)

Mr. COAD. Mr. Speaker, I come to address myself to the rule on the bill to extend Public Law 78. This is not a new subject to me as some have tried to indicate in the House today. Last year I was one of the signers of the minority report in opposition to this bill. At that time in the minority report we said the following:

Public Law 78 is a major factor in creating the extremely low income and the great underemployment of American farmworkers. It not only helps to prevent wages and working conditions from improving, but in many areas it actually makes them worse.

The Mexican farm labor importation program quite simply exploits the poverty among Mexicans to increase poverty among farmworkers in the United States. It provides corporation farms with a means of competing unfairly with the family farm.

Not only did I testify to that fact a year ago, but I am here today witnessing to the same fact, because the problem has been increased, it has been enhanced. Underemployment of the rural people of the United States is today estimated at the equivalent of 1,400,000 fully unemployed workers. Partially this situation is created by this very program we have under consideration today.

There are those who have come to the well of the House and tried to say, "Well, this actually increases the income to our domestic farmworkers." How in the world can this kind of program increase the wage level of domestic workers under the way it works?

What happens? When there is available Mexican farm labor in any State to any employer at any rate, you know as well as I that those employers are not going to go out and offer any wage level higher than what they can offer to the Mexican worker and get the Mexican worker.

There are those who say this is a sort of foreign aid program, a point 4 program for the Mexicans. Let us be really honest about this. While we are not here today attacking Mexican labor, we are not attacking the Mexican Government or the Mexican people at all, we are here, and I am here in the well of the House today, to fight the battle for the domestic laborers on the farms of our country.

Why do we have a foreign aid program, if that is what it is? Why are we espousing a foreign aid program at the expense of our poor unorganized domestic migratory workers in the United States? Why do we go out to these people who are poor, underpaid, and impoverished, and say to them, "You are the ones who are paying for the foreign aid program to the Mexicans"?

Let us look at this thing in just a slightly different sense. There are many in this House who are members of the law profession. There are some who are medical doctors. There are dentists, engineers, and members of other professions. Would we say to our own lawyers, doctors, dentists, engineers, and all the rest, "You take a substandard wage because we are going to import doctors from Germany, we are going to import engineers from Japan, and thereby you are the ones who are going to be underemployed and unemployed"? You know as well as I that the American Medical Association has put its foot down on bringing in foreign doctors to practice medicine in our State hospitals across this land. They have a very rigorous program to stop this very sort of thing.

Why are some today trying to defend this kind of program, saying that our migratory workers have to be placed under bondage because of the importation of Mexican nationals? Obviously, the lawyers, doctors, dentists, and engineers would organize strong opposition to this kind of program if it affected their professions. But if we pass this bill without amendment we are saying it is all right because the migratory workers in this country are unorganized, they are impoverished, they have no one to speak for them, so we will pounce upon them and we will permit the 2 percent of the producers in this country—and this program involves only 2 percent of the producers in this land—to bring in foreign workers because they can be hired at a lower level than what will be required under the amendments I will offer.

I should like to say in announcement that I will have several amendments to offer. One of them simply says that the Mexicans who are brought in under this program cannot be hired to operate power-driven machinery, that we should let our own people do the skilled jobs on the farm.

Another amendment is that the Mexicans can be brought in only for seasonal labor, they cannot come in and take year-round jobs from our people.

The third amendment is that anyone who attempts to employ Mexican labor must first offer the same rates of compensation to the domestic people before he qualifies to be permitted to hire Mexican people.

Fourth, we must have a pay scale at least equivalent to the State or national average, whichever is less, but in no case shall any employer be required to raise his rates from the previous year over 10 cents an hour.

Fifth, the Secretary of Labor should have the authority to stop the bringing in of Mexican workers. In other words, we cannot just flood the American labor market with Mexican labor imported from Mexico.

Mr. Speaker, these are the essentials of the amendments I will offer a little bit later under the 5-minute rule.

Mr. COHELAN. Mr. Speaker, will the gentleman yield?

Mr. COAD. I yield.

Mr. COHELAN. I wonder if the gentleman could help me out and tell me

what the attitude of the Department of Agriculture was on the extension of Public Law 78?

Mr. COAD. It is my understanding, according to the statement of the Secretary of Labor, Arthur Goldberg, yesterday that the administration stands and speaks with one voice, and that the administration in all of its aspects is opposed to the simple extension of Public Law 78 unless it is amended.

Mr. COHELAN. That certainly includes the Department of State notwithstanding the fact that one of the gentlemen present stated that somebody appeared before the committee from the Department of State.

Mr. COAD. As I understand it, from the import of his statement, that includes the entire administration.

Mr. COHELAN. I thank the gentleman.

Mr. COAD. Mr. Speaker, I would like to read a statement that appears in the hearings on this bill, the statement from Michael J. Coleman, Jr., national president of the Young Christian Workers. This is what he said:

I would like to point out to this distinguished committee that in each of the areas where an inquiry was made, we discovered similar social, economic, family, and moral problems.

And he is talking about the migratory worker problem. His statement continues:

I would like to point out to this distinguished committee that in each of the areas where an inquiry was made, we discovered similar social, economic, family, and moral problems. It was true in housing which could consist, we found, in a barn with 30 men living inside, or 5 men quartered in a cinder-block building next to a pig tank. Whether we speak of his wages, his power to bargain collectively, his working and living environment, his health conditions, or his benefits under social legislation, the migrant worker is at the bottom of the ladder. Credit is due, however, to those farm employers, who have in some instances provided such things as accident insurance or fairly decent housing for the migrant and his family. These, we found, were exceptional.

Further, we have seen the direct and adverse effects which the entry of braceros into our country under Public Law 78 has had upon our own domestic workers. First, the availability of 400,000 foreign workers last year forced domestic workers and their families to seek work in other States. We have learned that for the most part migrant farmworkers in the North Central States are U.S. citizens of Mexican ancestry whose residence is in Texas. With the presence of thousands of braceros in Texas, wage rates were lowered to a level which forced the migrant worker and his family to seek work elsewhere.

Mr. Speaker, I solicit the opposition of my colleagues to a simple extension of this bill, and ask for their support for the amendments I intend to offer.

Mr. SMITH of California. Mr. Speaker, I yield such time as he may require to the gentleman from Kansas [Mr. AVERY].

Mr. AVERY. Mr. Speaker, I arise in support of the resolution and urge the House to adopt the resolution and to pass the committee bill without amendment. I feel, Mr. Speaker, that by pass-



ing this legislation today we can restore, in part at least, the damage done to our prestige by Edward R. Murrow and the now famous CBS film, "The Harvest of Shame."

Much has been written and said about this film that was shown with other documentaries during the winter months in a series called "CBS Presents." I want to make it clear at this point that I have no prejudice in this matter. Kansas employs practically no migratory laborers and I do not own even one share in any broadcasting facility. I do have a share in America, however, as does every other Member of this House; and accepting our responsibility not only as Members of this body but as citizens, I feel we must make every effort to dispell the distorted image of America that has been portrayed in foreign countries by this film presentation by Edward R. Murrow, now Director of the U.S. Information Agency. Of course, we know that Mr. Murrow was not in an official capacity in Government when this film was shown. We know too, that a disclaimer both proceeded and followed the film when it was shown by the British Broadcasting Co. Apparently even that disclaimer did not make it clear to our British friends that Mr. Murrow was not speaking in an official capacity, and by now we do not know how much further the image of America reflected by that film has gone beyond the British isles.

Now, in all fairness I think we should consider the position of CBS in this matter. Personally, I am critical of CBS for permitting this film to be shown as a documentary. Parenthetically, let me say that I feel at liberty to be critical of CBS in this matter, because I can remember not many months ago when Attorney General Hogan exposed the quiz scandals I was one of the few Members of the House to defend the integrity of the networks in connection with the quiz scandal charges. It seemed to be a popular pastime then to be vindictive and critical of the networks when they were found guilty of presenting the so-called fixed quiz shows. I felt like they were being criticized completely beyond reason at that time, and by the same token I feel at least one network is vulnerable to criticism in connection with the filming and showing of this documentary now under discussion. I think possibly the filming and presentation of the "Harvest of Shame" and other similar documentaries may have been an unconscious reaction to the bitter criticism directed at the networks, particularly by Members of Congress. As a result of the quiz shows, there followed an admonition to the networks by the Federal Communications Commission and Members of Congress to adjust their programming to better serve the public interest. In an effort to meet that admonition, I think perhaps they have overreached reasonable definitions of a documentary film, and the result was the distorted presentation of an admitted social and economic problem in the United States.

One further statement in reference to the manner in which this problem was presented. I am a firm believer that it

is the privilege and perhaps the responsibility of a licensee to take an editorial position on a matter in the public interest. However, such an expression should be clearly identified as an editorial and not as a news commentary or news report or a documentary. If CBS had presented this show as expressing their point of view and criticism of an undesirable situation, they would have had a clear privilege to do so. The manner in which it was presented, in my opinion, was unfair.

The CONGRESSIONAL RECORD for February 6 commencing on page 1669 contains several citations replete with misrepresentation. But, even more serious, in my opinion, was their failure to their public responsibility in presenting the other side of this problem. They should have shown what has been accomplished in the way of improving the standard of living, wage rates and school opportunities for the migratory workers in some States.

The only logical conclusion is that Mr. Murrow and Mr. Lowe were so completely carried away in their effort to be dramatic and to produce a show arousing the emotions of the viewers that they lost sight completely of their public responsibility to be objective and to present both sides of a controversial social public problem.

Now, let me refer again to my opening statement that this film, "The Harvest of Shame" has done violence to the social imagination of America. Further, this damage could not have occurred at a worse time as our national prestige was suffering from other misfortunes. Here are a few quotations from stories appearing in British newspapers after the showing of this film in that country on March 21. These statements are taken out of context in a technical sense, but I assure you they do not misrepresent the viewpoint expressed in the British publications.

From the Daily Herald on March 22, under the caption of "Murrow Tells of America's Shame," by Phil Diack:

I am sure that the appointment means a clear and decent official expression of the American conscience, but I cannot help fearing that our TV as well as theirs is bound to be the poorer. Murrow's documentary blazed fiercely with his incomparable and indispensable indignation \* \* \* fury backed by hard facts, harshly framed on film.

In the Daily Sketch of London, March 22, by Neville Randall, "How I Saw It":

I have seen five TV films on the American way of life this year. All were critical. But none matched the devastating condemnation of Ed Murrow's "Harvest of Shame," screened—under protest from America—by BBC last night.

From the London Daily Telegraph of March 22, 1961, "Sordid Living—U.S. Harvest Migrants":

Wages are pathetically low. One Negress described how she spent almost 9 hours in the sun picking beans for a mere dollar while four children waited at home to be fed. But despite the sordid conditions there seemed little despair among the workers.

From the London Daily Mail of March 22, 1961, "Peter Black's Television":

According to Murrow, the Eisenhower regime allotted \$6,500,000 to preserve migrant

bird life, but failed to implement the \$3,500,000 budget for the education of the children of these workers.

The principal point I want to make is this: This is not new legislation, it is merely an extension of an existing law. If we now retract in panic or act in any way that reflects a national guilty conscience in our treatment of this legislation, it could be interpreted as consent and agreement by the Congress to all of the ills that were pictorially and orally misrepresented in the "Harvest of Shame." If we pass this legislation as proposed by the committee we are in effect saying: "Yes; we recognize that the standard of living, the wage structure and educational opportunities for the migratory workers are not as high as we want them to be." We have evidence in every State that there has been continual improvement in the status of these workers and we are dedicated to the objective that the improvement shall continue. We are not, however, going to recede from a perfectly honorable and established position in regard to these workers. If we do not stand our ground and adopt the committee bill, it can only be interpreted by our friends and foes alike that we are admitting all of the inequities and discomforts and disillusion in the "Harvest of Shame" and that we have no capability of improving the same.

Mr. SMITH of California. Mr. Speaker, I have no further requests for time.

Mr. SISK. Mr. Speaker, we have had quite a discussion on this particular subject with reference to the merits or demerits of this legislation. I am firmly of the opinion that it is neither as bad as it has been pictured by the opponents of the legislation nor probably quite as good as some of the proponents may have pictured it. It is a program, however, that has worked generally very well in some parts of our country. In my opinion, for the next 2 years, it is a program that is needed by our farmers who deal with particularly perishable commodities.

Mr. Speaker, I urge the House to adopt the rule and to permit the Committee on Agriculture to present its case.

Mr. Speaker, I yield to the gentleman from North Carolina [Mr. COOLEY], the chairman of the Committee on Agriculture.

Mr. COOLEY. Some reference has been made to the appearance of a representative of the Department of State. On page 330 of the hearings, at the bottom of the page, this language appears:

The Department believes, from the standpoint of public relations in Mexico and joint conduct of the program with the Government of Mexico, that the program should be extended for a period not longer than 2 years.

That would indicate clearly that there was not any real objection on the part of the Department of State to the extension of the program.

Mr. SISK. I thank the gentleman for his comments.

Mr. COOLEY. I thank the gentleman.

Mr. SISK. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.



The SPEAKER. The question is on agreeing to the resolution.

Mr. COHELAN. Mr. Speaker, I ask for the yeas and nays.

The yeas and nays were denied.

The resolution was agreed to.

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The motion was agreed to.

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill H.R. 2010, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

By unanimous consent the first reading of the bill was dispensed with.

The CHAIRMAN. Under the rule, the gentleman from North Carolina [Mr. COOLEY] will be recognized for 30 minutes, and the gentleman from Iowa [Mr. HOEVEN] for 30 minutes.

The gentleman from North Carolina [Mr. COOLEY] is recognized.

Mr. COOLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I shall be very brief.

We bring this bill here for an extension that will continue in operation a program which we think has worked reasonably well in past years. It is desperately needed, since this labor coming in from Mexico works in about 24 States of the Union.

I believe that our committee and the Department of Labor have provided every possible safeguard and made every reasonable provision pursuant to authorizations which Congress has provided in the past. I do not want to burden the House by reading these pages of procedures and safeguards. The Department has provided minimum acceptable housing standards in great detail, minimum standards for living and sleeping quarters, and cooking and eating facilities, sanitary facilities, laundry facilities, lighting facilities. These agreements are negotiated in the form of treaties between the Republic of Mexico and our own country.

The Department is charged with the responsibility of enforcing the law.

The program has been very severely criticized here on the floor today. I say that if the program has not been properly administered, someone in the executive branch of the Government is entirely responsible. All these safeguards have been provided: The employer has to assume certain fixed responsibilities, provide certain fixed conditions of labor, certain minimum standards; and the wages are fixed by the Department of Labor which must find that the wage in the contract is the prevailing wage in the community and area where the labor is to be used.

Here is what you should know about it: It restricts the use of Mexican labor to instances or areas where the Secretary of Labor certifies that, first, domestic workers, able, willing, and qualified, are not available; second, the employment

of Mexican workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and third, reasonable efforts have been made to attract domestic workers at comparable wages.

What else can you ask? The whole proposition before this House, or which will soon be before this House, is obviously an effort to turn over to the control of the Secretary of Labor all of the farmworkers of America, and let the Secretary of Labor hereafter fix minimum wages and maximum hours, as well as providing standards of working conditions for all domestic workers. If you want to do that, the gentleman from Iowa [Mr. COAD] will soon provide you with a vehicle which will enable you people from the farm areas of America to put the Secretary of Labor in charge of all workers of America, perhaps even including those whose now labor in our fields. Yes, that is the purpose behind the Coad amendment. There is nothing new about it. We have had to face it every time we have come to the House for an extension of this law.

Mr. Chairman, representing an agricultural area, as I do, I want no such authority vested in the Secretary of Labor under this administration or any other administration, regardless of partisan politics. I have no Mexican workers in my district or in my State, but as I look over the information here on this desk I know that these workers are vital in many areas. Look at page 5 of the report and you will find where the workers are being used. If you will look at the document embodying the regulations of the Department of Labor, I may say to my friend from Iowa [Mr. COAD], you will note something about how this law is administered.

It is difficult for me to believe that the gentleman has ever read the minimum requirements provided here. If you have, and you have concluded that the program has not operated well, then I ask the gentleman, Why have you not complained to the Department of Labor? Those who represent areas in which these programs have operated seem to be very well satisfied. None of the labor is used in the great State of Iowa from which this amendment comes.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Iowa.

Mr. COAD. I would like to refer to the fact that the point my distinguished chairman has made is one which I have not labored at all. I have no quarrel with the fact that the program as it involves Mexican workers has broken down. I say it is working, but it has a detrimental effect on the migratory workers of this country.

Mr. COOLEY. If that is true, that is an indictment of those administering the program. I just got through saying that the Secretary of Labor must affirmatively find it does not adversely affect domestic workers. If the gentleman has any evidence of that, submit it to the Department of Labor.

Mr. COAD. What I have submitted today is that this program has a detrimental effect on the migratory workers of this country.

Mr. COOLEY. But the gentleman has not substantiated the statement with any evidence.

Let me say this and I am through. Under this program only able-bodied Mexicans who have been screened from a medical standpoint are permitted to come in here for seasonal work. They are not permitted to bring their wives and their families with them.

Now the gentleman is proposing by his amendment to shift our population from State to State. You would then really have a harvest of shame. You would see these workers dragging their wives and children across this land into these agricultural areas, carrying with them a health problem, a housing problem, and a school problem. We would have to provide facilities for men, women and children, and we would have to provide schools for the children in the areas where the workers are to be employed. If that is what you want in Iowa, you bring it to Iowa, and we will let you shuffle your population around. Some of these domestic workers would simply go to California for the ride, work 2 or 3 days, to have their transportation paid.

Mr. Chairman, I shall yield to the gentleman from Arkansas [Mr. GATHINGS] chairman of the subcommittee that has handled this matter from the very beginning. The gentleman has conducted long hearings and brings us a book of hearings consisting of 370 pages. Everybody desiring to be heard was accorded the opportunity to be heard. I think this bill should be enacted, and I now yield 10 minutes to the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, the gentleman from Iowa has raised the question of adverse effect on our domestic agricultural work force. I would like to refer to a sheet that appeared in the hearings before our committee under date of March 23, 1960. In the testimony that was presented there on that page there was a table giving 1958 agricultural statistics for Arkansas—average wage rate for picking 100 pounds of seed cotton by States up to November 1. Now, this covers a period of 10 years under this table. It reflects definitely that in those States that do not use Mexican labor the wage rate for picking 100 pounds of cotton is less than it is in the State of Arkansas where we do have to use this labor to a great extent to harvest our crop.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from California.

Mr. COHELAN. Would you be kind enough to state for the Committee exactly what the wage is in Arkansas, in absolute terms?

Mr. GATHINGS. I will give the Arkansas rate for cotton picking and all these other States if the gentleman will permit.



Mr. COHELAN. Is it not true, Mr. Chairman, that the rate is 50 cents an hour or less in Arkansas?

Mr. GATHINGS. No, it is not true that the rate is 50 cents an hour or less in Arkansas. It is the prevailing rate in the particular community where the Mexican labor is used. I am going to give you the wage information right here, if the gentleman will permit me.

Mr. COHELAN. I would appreciate it and thank the gentleman.

Mr. GATHINGS. In South Carolina, which does not use any of the Mexican labor, in 1958—and that is the last year that this table covers—the rate of picking 100 pounds of cotton in that State was \$2.45. In the State of Georgia the wage rate paid in the communities all over the State of Georgia was \$2.65 for picking 100 pounds of cotton. In the State of Tennessee the wage rate was \$2.75 for picking 100 pounds of cotton. In Alabama the wage rate was \$2.50 a hundred pounds. Now, in all of those States they do not use Mexican labor.

Now let us look at the rate in Arkansas. The Arkansas rate was \$2.85 a hundred pounds. So, that shows without a question of a doubt that we are paying a higher rate for picking our cotton in the State of Arkansas than those States that do not use that labor, and by the use of the Mexican labor in the State of Arkansas there is no adverse effect on our own labor and people.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from North Carolina.

Mr. COOLEY. In addition to paying the prevailing wage rate in the area, the employer has to provide transportation, housing, and all of these other benefits for the worker.

Mr. GATHINGS. The chairman is right.

Mr. COOLEY. And by this regulation they even require the employer to furnish a 12-inch frying pan, a 6-inch cooking pot and a coffeepot and other items which the employer is required to furnish for the worker.

Mr. GATHINGS. That is right. The employer pays for this whole program, practically every dollar, with the exception of the cost for the salaries of the compliance officers of the Department of Labor.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield.

Mr. COHELAN. According to figures which I have here, and which I shall insert in the RECORD, I understand that Arkansas has 95,009 farms and that about 2.8 percent of this total use braceros. I ask the gentleman if the domestic workers who must be used in this program are provided the same amenities in those Arkansas fields.

Mr. GATHINGS. The gentleman has said that only about 2 percent of the farmers throughout the land use Mexican workers. That is right.

Mr. COHELAN. I said 2.8 percent.

Mr. GATHINGS. It is 2.8 percent for the Nation; that is correct, but I don't know what the percentage is for Arkansas. So much of the harvesting is done

by mechanized methods. It does not require but one or two people to operate a combine to harvest the grain out in the Midwest. So much of our agriculture is grain and livestock, and the like. We have to have supplemental labor in fruit, vegetable, pickle sugar beet, cotton, and other harvest work. Americans just do not like to do stoop labor. That is natural. They would prefer to work in a factory at a higher wage. They do not like to pick cotton.

Mr. COHELAN. Mr. Chairman, if the gentleman will yield further, he has not responded to my question. I ask the gentleman again, if they are only using 2.8 percent of the total work force in agricultural labor, and we know the stringent requirements covering Mexican nationals, do the farmers in the gentleman's State provide the same amenities for the American workers?

Mr. COOLEY. Mr. Chairman, will the gentleman yield to me?

Mr. GATHINGS. I yield to the chairman of the committee.

Mr. COOLEY. You pay the American worker the same for picking 100 pounds of cotton as you pay the imported labor, do you not?

Mr. GATHINGS. That is right. The Secretary of Labor makes that determination in the particular community. The wage rate paid to domestic workers in the particular area is the same as that paid to the foreign worker.

Mr. COOLEY. And the domestic worker who wants to pick cotton gets \$2.85 a hundred, is that right?

Mr. GATHINGS. That is right.

Mr. COHELAN. Is it not a fact that you are not required to provide the American worker with the same amenities that you are required to provide the Mexican bracero?

Mr. GATHINGS. The gentleman is absolutely right. As the chairman of the committee so well pointed out a few moments ago, that if the provision of the Coad substitute is written into law, it would mean carrying across State lines great numbers of men, women and children; it would increase the stream of migratory domestic workers in this country and bring about health, relief and problems of unemployment in a particular area and school problems for the children. A farmer could not know whether the worker he acquires from distant places, would work 1 hour or 1 week. He could get the free ride and is not obligated to remain on that farm and work.

Mr. COHELAN. Mr. Chairman, 97 percent of the work force now is in that same category, or it is roughly that percentage.

Mr. GATHINGS. The greater number of the farmers use mechanized methods to harvest their crops. They also get local labor. You know, the Mexican labor coming to this country represents only one-ninth of the total force in this program.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman.

Mr. SANTANGELO. Mr. Chairman, the distinguished gentleman from North

Carolina [Mr. COOLEY] talked about the services that the braceros were getting, so far as sanitary facilities are concerned. Some of the people do not dispute that the Departments of Labor and Agriculture are supervising this program well but I do, from my own observation in the State of Arkansas and California. I ask the gentleman, does he know of any housing facilities which had to be closed down in his State because they were unsanitary and not maintained properly?

Mr. GATHINGS. I do not know that there has been any specific housing closed down in Arkansas it could have been, but I want to say to the gentleman that we were proud that he came to Arkansas and looked over our housing. There has not been one complaint, so far as I know from the Mexican worker. I will ask the gentleman, does he know of one complaint that was lodged by a Mexican bracero against a house in Arkansas or in any other State in this Nation?

Mr. SANTANGELO. Yes, I do. When I went out there, together with the gentleman from Illinois [Mr. LIBONATI], inspecting housing conditions in Arkansas, and in the gentleman's own section, we observed several places which were unfit for human habitation. We brought this to the attention of the Department of Labor and they closed them down immediately.

Mr. GATHINGS. I have not had an opportunity to discuss this bill. Let me have that privilege.

Mr. SANTANGELO. The gentleman asked me a question and I am trying to answer it.

Mr. GATHINGS. There are an awful lot of poor farmers in Arkansas that cannot provide adequate facilities, as the gentleman from New York would like to see them do. We do provide for the migrant workers from Mexico, houses that are as good or better than what the farmer himself lives in.

Mr. GUBSER. I should like to suggest to the gentleman from Arkansas and the gentleman from New York that they should look at the cubic footage required in the living quarters for the Mexican nationals, and then go back to their own offices, and they will find that the Congress of the United States offers their own people, in their own employ, less space to work in and fewer facilities.

Mr. HOFFMAN of Michigan. Why should he not go back to New York and take a look at his hometown?

Mr. GATHINGS. The number of Mexicans that came into this country in 1960 was less than those that came in in 1959. In 1959 there were 437,643, and in 1960 the figure had gone down to 315,846.

Our people would not use this program at all if they had enough workers at home within the county that were ready, willing, and able to do this work. They would much prefer to have local workers.

A man came here with an REA group the other day. He came from my district. He said he had heard that some labor was available over at Potts Camp, Miss. He understood that there were 20 or 30 of them who wanted to work in



agriculture. He said he sent a truck over there and was able to bring back only one laborer. That is all he was able to get. He desperately needed workers.

Mr. HOEVEN. Mr. Chairman, I yield myself 5 minutes.

(Mr. HOEVEN asked and was given permission to revise and extend his remarks.)

Mr. HOEVEN. Mr. Chairman, this bill simply extends Public Law 78, known as the Mexican labor bill, for another 2 years. This bill was most carefully considered after extensive hearings and it was overwhelmingly supported by both Democrats and Republicans in the House Committee on Agriculture; in fact, the bill was reported out by a vote of 27 to 3. There are 370 pages of testimony and over 100 witnesses were heard. No one can say, therefore, that this subject matter has not been thoroughly considered. The substitute proposed by the gentleman from Iowa [Mr. COAD] and others was fully considered by the full committee and also voted down by a vote of 27 to 3.

As far as my home State of Iowa is concerned, this program has little direct significance. Last year, in 1960, there were less than 100 foreign farmworkers employed in the entire State of Iowa at the peak of the harvest season, so this legislation presents no problem for those of us living in that section of the country.

My interest and support for this legislation is based first on the real need for seasonable farm labor in many areas of the Nation. It has been conclusively shown throughout the hearings that American labor simply refuses to do this type of stoop labor. No one can realize unless he is in close touch with the situation how fruits and vegetables in certain areas of this country need to be harvested within a period of a very few days. It is highly essential that crops be harvested on time, and many farmers stand to lose their entire crops because they cannot find domestic labor available at the very time it is needed.

Furthermore, this bill merits your attention because it is very important as far as American-Mexican relations are concerned.

Third, this program has had a very fine result as far as alleviating the wet-back situation is concerned.

In fact, Public Law 78 was passed by the Congress in 1951 to combat the wet-back problem, and we have made significant progress in that regard.

Under the Mexican farm labor program, seasonal farmworkers, called braceros, are brought into the United States pursuant to the agreement between the Republic of Mexico and the United States. These temporary workers assist in the harvesting of a number of crops, and without them there would be pandemonium in the harvest field in many States. I want to stress at this point that the law restricts the use of Mexicans to areas and situations where the Secretary of Labor has found that no American citizens are ready, willing or able to do the needed work. So the American worker is protected in every respect. The Secretary must also find

that the employment of Mexican workers will not adversely affect the wages and working conditions of American farmworkers and that farmers have made reasonable efforts to obtain domestic labor. So there is every protection thrown around the American laborer.

Mr. BECKWORTH. Mr. Chairman, will the gentleman yield for a short statement?

Mr. HOEVEN. I yield.

Mr. BECKWORTH. As a member of the Committee on Foreign Affairs, I have been interested in what attitude the Department of State might have about this, and I wrote a letter very recently to the Department of State and would like to read the concluding statement of a letter written to me on May 10, 1961, signed by Mr. Brooks Hays. The statement is as follows:

The Department of State supports the extension of the legislation for a 2-year period including the amendments to it, as proposed in H.R. 6032.

I would be glad for the gentleman to comment on that statement.

Mr. HOEVEN. The State Department favors the 2-year extension.

I now yield to my chairman, the gentleman from North Carolina [Mr. COOLEY] to make any further comment he desires.

Mr. COOLEY. I assume they are the amendments which will be offered by the gentleman from Iowa [Mr. COAD], and I might say to my friend from Texas that these amendments were considered fully by our committee.

Mr. HOEVEN. Mr. Chairman, a second reason for supporting this legislation is its beneficial effects on the Mexican economy—315,846 braceros who came to the United States in 1960, for seasonable farm labor created an important source of dollar exchange to the Republic of Mexico second only to the U.S. tourist trade. Those dollars earned by Mexicans were used to a great extent to purchase American goods and to help develop a growing middle class of landowners in Mexico. I want to remind the House also that it is the Communist Party of Mexico which is one of the most vocal opponents of this program, and for the reason no doubt that a growing and prosperous middle class in Mexico would spell the end to the chaos and poverty on which world communism flourishes.

It is important, I think, that we keep this in mind as our relations with Mexico are of the utmost importance in the context of our overall Latin American foreign policy.

Finally, the record is clear on the wet-back problem. In fiscal year 1954, there were over 1 million illegal entrants, or wetbacks coming into this country. In fiscal 1960 there were only 29,651 such cases. The orderly and supervised system provided by Public Law 78 is so much superior to the most undesirable wetback method that no further comparisons need be drawn.

In conclusion, Mr. Chairman, H.R. 2010 is needed in many areas of the country. It is important to Mexican-American relations and it is important because the legislation is helping to eliminate the wetback problem which is a

very undesirable economic and social problem.

Mr. COOLEY. Mr. Chairman, I yield 5 minutes to the gentleman from California [Mr. HAGEN.]

Mr. HAGEN of California. Mr. Chairman, I attended all the hearings on this legislation, although I am not a member of the subcommittee which held such hearings. I represent an area which makes some use of bracero labor and, therefore, I have an immediate interest in the program.

Mr. Chairman, I yield to no one in my compassion for the welfare of these people who work on the farms. It could be—and should be—improved, but the termination of the bracero program or the burdening of it with unworkable restrictions will not greatly change the condition of our citizens who have to migrate to work on farms. Such actions, however, would effect a great change in the price and availability of those perishable commodities on which these braceros are employed, and this would be reflected in the price and quality of the market basket of the housewife in every congressional district in the country.

The people who are really familiar with this problem have stipulated that the labor is necessary and would be provided subject to protection of the job opportunities and working conditions of U.S. workers. I have talked privately with labor people who are really familiar with this problem and they privately admit that this labor is necessary; and earlier I read quotations that were printed in newspapers from representatives of two different labor organizations stipulating that there was a need for this bracero labor.

Mr. COHELAN. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield.

Mr. COHELAN. The gentleman has bracero labor in his district, does he not?

Mr. HAGEN of California. Yes.

Mr. COHELAN. I call the gentleman's attention to the following excerpt from an article in a Mexican labor magazine entitled "Comercio Exterior":

Among the causes of the serious disequilibrium of the Mexican foreign trade, Mr. Zevada pointed out the country's position of inferiority, shared with all other raw material exporting nations, in respect to the industrial centers of the world, whose import and price policies give no consideration to the raw materials' suppliers. The situation is further aggravated by certain cases of open disregard for the vital interests of the Mexican economy, exemplified by the U.S. cotton dumping on the international markets. Besides Mexico's terms of trade are increasingly deteriorating. Mexico has to pay more every day for her imports and, at the same time, she receives less for her exports. Finally, Mexico continues to be too dependent commercially on the United States, a country which buys half of Mexican exports and supplies 80 percent of Mexican purchases abroad. In spite of being such an important outlet for U.S. producers, Mexico does not receive fair treatment from her northern neighbor, as witnessed by the U.S. import quotas and raw materials price policy. Notwithstanding all this, Mr. Zevada pointed out, Mexico remains friendly to the United States and will go on trying to obtain through negotiations better trade conditions in the deals with that country.



The thesis of this article is that surplus cotton is produced by Mexican citizens working in the United States.

Mr. HAGEN of California. I will say to the gentleman that he is not completely familiar with cotton production in California, for braceros are not used in producing cotton in California with some minor exceptions.

Mr. COHELAN. But as a national program.

Mr. HAGEN of California. I am speaking solely of California. The kind of crops on which braceros are used in California are the row vegetable crops, the fruit and nut crops, and the vine crops.

Mr. COHELAN. The gentleman is not arguing that the bracero program does affect directly the supply and price of these crops.

Mr. HAGEN of California. If you terminated the bracero program tomorrow there would be merely a change in the pattern of production in the cotton business. In other words, the other areas of the country which do not use mechanization as we in California do would convert to a mechanized program and the jobs would just disappear for everybody, including both domestic and Mexican workers.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. HAGEN of California. I yield.

Mr. POAGE. Is it not a fact that cotton that is now being grown in the United States can be produced by this same labor in Mexico at about one-quarter of what is being paid in the United States?

Mr. HAGEN of California. The gentleman is entirely too high in his figures. Among competing crops in Mexico are cotton and tomatoes. Anyone familiar with the problem knows that a worker in Mexico gets about \$1 per day whereas in this country on the same crops the workers make about \$12.

Mr. COHELAN. Are we to infer from the gentleman's statement that if producers in Mexico are unable to market their crops that they are going to make money by exporting braceros instead? Is that what the gentleman is arguing?

Mr. HAGEN of California. I am not arguing that. What I will say to you is that this bracero program has permitted the development of independent farming in Mexico, the beginnings of an independent rural middle class. Mexico has a type of homestead program, the ejido program. Large numbers of these homesteaders have been successful only because of capital they have acquired in the United States through working in the bracero program. I say "large numbers" advisedly because the identity of persons in the bracero program shifts annually with respect to almost the entire complement of personnel. These farmer-landlord bracero returnees are a stable middle-class element in Mexico. The termination of the program would cause riots in these rural areas of Mexico, resulting in great political instability for the Mexican Government, and perhaps resulting in a radical shift to the left in the Government of Mexico. In the past the termination of recruiting

of braceros in particular areas has caused disturbances.

Mr. HOEVEN. Mr. Chairman, I yield 5 minutes to the gentleman from Oregon [Mr. DURNO].

Mr. DURNO. Mr. Chairman, first of all I want to commend and associate myself with the chairman of the Committee on Agriculture. I believe that gentleman has pointedly and dramatically stated exactly what this whole situation amounts to.

It would seem to me to be a far better idea to separate the problems of the migratory workers on the domestic level from the Mexican nationals.

I want to speak briefly about the problems of my own State of Oregon. We are one of the 24 States that utilize Mexican labor. Last year we employed 350. There are two valleys in Oregon that utilize these nationals, the Hood River Valley and the Rogue River Valley where I live. Our economy in the pear industry amounts to approximately \$16 million a year, which would be partially destroyed if it were not possible for us to utilize these Mexican nationals. The reason is that we are isolated geographically. We are 300 miles from Portland and 300 miles, approximately, from Sacramento. We get our domestic source of labor from children who are anxiously awaiting the start of school and who are interested in getting started in football. We get workers off the streets of Portland. They are brought down to us; they work 1 or 2 days and get enough money to buy a bottle of wine, and then they are on their way back home.

The average turnover in the pear orchards of the Rogue River Valley is three times in the course of a 7- or 8-week season. Then we have the transitory worker on his way from California to Washington. He stops off in the Bartlett season. That is good money. They stop off while the Bartlett picking is going on, and then they move up to the apple orchards of Washington.

The result is we have no workers to handle this very perishable crop. So it is important that we have these Mexican nationals, and that is the time when we get them.

We have good laws in Oregon for the migratory workers. We have health measures, we have school measures, we have facilities in which they live. The Mexicans come back up there year after year, the same Mexicans to the same orchards. They make approximately \$20 a day, and if the white domestic workers that come and go from day to day do not make that much it is because they are not worth it. This is all piecework.

So I say to you that in the State of Oregon it would be a severe tragedy, a real tragedy, and I beg of you to seriously consider the passage of this measure when you vote on it today.

NORTHWEST HORTICULTURAL COUNCIL,  
Yakima, Wash., May 5, 1961.

Hon. EDWIN R. DURNO,  
House of Representatives,  
Washington, D.C.

DEAR CONGRESSMAN: We are advised that H.R. 2010 which would extend the Mexican farmworker program for 2 years will be

brought onto the floor of the House on Wednesday, May 10, 1961.

Passage of this legislation is extremely important to agriculture in the State of Oregon. It assures an extra supply of labor when sufficient domestic labor is not available to harvest our fruit crops and to do stoop labor and other agricultural work.

We sincerely urge your support of this bill to the end that fruit and other valuable crops will not be lost through lack of adequate harvest labor.

Yours very truly,

ERNEST FALK,  
Manager.

ROGUE RIVER ORCHARDS,  
Medford, Ore., March 18, 1961.

Hon. EDWIN R. DURNO,  
House of Representatives,  
Washington, D.C.

DEAR EDDIE: We have been notified that Public Law 78 is docketed for consideration in the near future and I want to point out some of the reasons why renewal of this law is so important to pear growers in the Rogue River Valley.

Our fruit harvest in this area is usually about 7 to 8 weeks in duration, with normal starting dates around the 10th to the 15th of August. Bartletts are always harvested first; they grow on smaller trees; they are the easiest to pick; and they have the most consistent crop from year to year. Pickers like to work in these and we have very few labor problems with this variety.

Following Bartletts we get into Anjous. These trees are large and the crop usually is scattered much more widely than on Bartletts. Pickers have to handle this fruit much more carefully in that it is much more subject to skin breaks, punctures, or bruising. Daily production per picker always drops off when we switch over to this variety and even though we increase the box rate paid, many of the pickers just plain lose interest in further work. Right about this same time of the Anjous switchover, we hit the Labor Day weekend—schools start immediately after that weekend and many family pickers leave to place their children in school. On top of this, the early apple harvest farther north is beginning and many of the experienced fruit workers leave here in order to be early birds on those longer harvest jobs. Likewise many others leave to return to the later harvest items in California. The Rogue River Valley is an isolated area—we have no nearby production areas from which interchange of labor can be depended upon.

Even this year, with our economic unemployment being at a high figure, it is our belief that a very, very small percentage of those unemployed would either be capable or willing to undertake pear harvest work and stay with it through the period when we needed them most. Adding all these things together leaves our area with a most serious labor shortage during the latter part of our harvest and it is at this time that we are most needful of supplementing our labor force with Mexican nationals.

We are sincere in asking that extension of Public Law 78 be very carefully considered.

Sincerely,

MARTIN LUTHER,  
Manager.

HOOD RIVER TRAFFIC ASSOCIATION,  
Hood River, Ore., March 30, 1961.

Hon. EDWIN R. DURNO,  
U.S. House of Representatives,  
Washington, D.C.

DEAR SIR: We urge your support of the extension of Public Law 78 which would grant a continuation of the Mexican labor law for a 2-year period. This will come before the House in the form of H.R. 2010.



As you know, Oregon uses very little of the Mexican help. However, the availability of Mexican help in other areas releases to Oregon and Washington farm operators migratory workers that otherwise would not be available to us. Thus, indirectly we here in Oregon benefit greatly by having available to other agricultural areas workers that come into this country under Public Law 78.

We trust we can count on your support for a favorable vote for the extension of Public Law 78 for the 2-year period proposed.

Yours very truly,

R. G. SCEARCE,  
Secretary.

—  
DUCKWALL BROS., INC.,  
Hood River, Oreg., March 29, 1961.

Hon. EDWIN R. DURNO,  
House Office Building,  
Washington, D.C.

DEAR REPRESENTATIVE DURNO: We understand hearings on H.R. 2010 have been completed. This is the bill extending Public Law 78, the Mexican labor law.

Here in the Hood River Valley we have not used Mexican nationals for the past 4 years. However, in 1955 and 1956 if it had not been for the help of between 300 to 400 Mexican nationals, the fruit loss would have been disastrous. Since those years we have not needed Mexican nationals; however, one of the reasons we haven't needed them was that the Medford area did bring them in, and as a result there was sufficient labor for both areas.

We feel the continuation of this program for at least the next 2 years is vital to the fruit interests here in Oregon. Moreover, we do not feel that the recommendations offered by the Labor Department are workable.

We urge that you support the extension of the program as it now exists.

Yours very truly,

WILSON APPELGREN.

(Mr. DURNO asked and was given permission to revise and extend his remarks.)

Mr. COOLEY. Mr. Chairman, I yield such time as she may desire to the gentlewoman from Oregon [Mrs. GREEN].

Mrs. GREEN of Oregon. Mr. Chairman, I rise in opposition to the committee bill and in support of the amendments which will be offered by the gentleman from Iowa [Mr. COAD].

My distinguished colleague, the gentleman from Oregon [Mr. DURNO] has spoken of the need which Oregon has for the continuation of the bracero program. With all deference, I must differ with my friend and colleague.

The Oregon State Bureau of Labor, under the leadership of Labor Commissioner Norman Nilsen and his able assistant, Mr. Tom Current, has conducted exhaustive studies of the impact of the entire migrant labor program—both domestic and bracero—on the farm economy of Oregon. That study contains evidence of the so-called value of the bracero program to Oregon—evidence which makes me, as an Oregonian, feel that it makes little positive contribution to Oregon agriculture and no contribution to Oregon's economy.

For example, in the final report of the labor bureau, based on surveys made during 1958, it was determined that out of a total of 35,159 migrant agricultural workers in Oregon, exactly 199 of them were braceros, and those 199 were found in one of Oregon's 36 counties. Less than 1 percent, Mr. Chairman, of Ore-

gon's agricultural work force is provided by Public Law 78. With high unemployment in Oregon—even at pear-picking time—there are, I am willing to suggest, 199 people in the State of Oregon who would be willing to work on the farms and in the orchards if decent minimum wages are paid to the domestic workers.

In its final report to the legislature, the Bureau of Labor of the State of Oregon—the official public body assigned the job of working with this problem—makes the following statement:

Because of the exploitation of the Mexican immigrant in years past, and in the present, he has been subjected to different economic treatment. As the result of the poorer condition of the native of Mexico, the immigrant has been more likely to accept low standards of wages and conditions. This has resulted in unfair competition with the Anglo-American for jobs.

The net result was unfavorable social acceptance for the Spanish-speaking immigrant and a continuing bondage from which he has had difficulty escaping because of this unfavorable social acceptance. This vicious cycle has had its effect on the second, third and further generations of the Mexican immigrant.

In the migrant labor field a further factor is present in that the Mexican immigrant has come from an agrarian economy and he and his descendants in large numbers regard farming as their lifetime occupation. As individuals they have developed physical endurance by working in the fields from childhood through adulthood. The Anglo-Americans who have followed the same pattern, of course, have developed the same endurance.

Because of the precarious economic existence he leads and the lack of alternatives, the Mexican immigrant is less demanding and less apt to voice his grievances.

The Anglo-American does not like to compete with such standards of conduct and regards the Spanish-American as a threat to his livelihood. This is further intensified when Mexican nationals are brought in under contract. The Anglo-American believes, with good evidence, that the movement of Mexican nationals into this country, either with or without contracts, is the agricultural industry's way of holding down wages and conditions. It does, in fact, interfere with the free interplay of labor supply and demand factors which in other industries mean better pay when more workers are needed.

The Oregon Labor Bureau Report goes on to say:

Without getting into the international complications, nor commenting on whether or not the contract with the Republic of Mexico should or should not be renewed, it does not appear reasonable for one of the highest farm wage States in the country to have to import Mexican nationals.

The State of Oregon, Mr. Chairman, does not believe that the importation of braceros into Oregon under Public Law 78 is reasonable. Apparently, since a total of 199 braceros sufficed to meet the entire needs of the State of Oregon in a year when over 35,000 seasonal workers were employed, there is no substantial evidence that the growers need them. Unless the suspicions of the domestic migrants—and the Bureau of Labor—are true, and the purpose of the bracero program is simply to keep wages and working conditions depressed for domestic workers, then I, for one, cannot

see why there is such pressure to continue this program.

The concern of many groups, both in the United States and in Mexico, for the conditions under which bracero labor is transported, for example, is highlighted by a story which appeared in the Inter-American Labor Bulletin of May 1961. Under unanimous consent, I include a news story at this point in my remarks:

NINETY-SIX MEXICAN WORKERS BADLY INJURED AS OVERCROWDED, UNSAFE TRUCKS COLLIDE—FULL DETAILS NOT AVAILABLE 5 DAYS LATER AS EMPLOYEES TRY TO COVER VIOLATIONS

At least 96 braceros being transported to their place of employment in Arizona in two greatly overcrowded and unsafe trucks have been reported badly injured in the worst highway accident in the history of the Mexican contract labor program.

The accident occurred in the desert 2 miles from the Arizona camp from which the workers were being moved, 43 miles west of Buckeye, Ariz., at 6 a.m., April 20. Because the braceros were widely dispersed to different hospitals, nursing homes, and farms after the accident in an apparent effort by the farm employers to cover up the details and the number injured, full information had not been obtained by State or Federal authorities even 5 days after the accident, when this issue of the IALB went to press.

Both the U.S. Department of Labor and the Arizona Corporation Commission immediately sent investigators into the field and promised that a full report would be forthcoming. The penalty for violation of Labor Department rules for transporting workers is denial to the employer involved of any future use of Mexican workers.

Preliminary information gathered from these agencies and by field investigators of the U.S. section of the Joint United States-Mexico Trade Union Committee is that the braceros involved were employed by Calzona, a big corporation farm, which had obtained the workers through a labor contractor from a farm association in California.

#### PACKED LIKE SARDINES

E. P. Theiss, AFL-CIO regional director in Arizona, said he had been told that a total of between 150 and 199 workers had been packed liked sardines in two trucks with plywood sides, having only four benches and no backs. The trucks were licensed by the State of California to haul a maximum of only 70 and 72 workers each. Four more workers than the permissible total of 142 had already been located at press time.

One of the trucks plowed into the back of the other when it had to stop quickly on the highway. The front vehicle had no rear bumper. Neither driver had an Arizona driving permit.

Spare tires had been thrown in the back of the truck with the men instead of being attached properly in a carrier. On impact, bodies hit the front of the truck with so much force that they flattened a water tank there.

#### SEVENTY-ONE INJURED TAKEN TO FARM

Twenty-five of the braceros were immediately hospitalized. Six hours after the accident 71 others were located by an investigator for the State on a nearby farm and in need of medical attention. They were immediately ordered to the hospital.

Asked why he had not called a doctor, the farmer replied merely that he had been thinking about doing so.

The accident was the third serious accident involving the hauling of farmworkers in Arizona to occur within the last 18 months.



The importation of Mexican contract labor was begun to meet a shortage of labor for the harvesting of our Nation's crops. If the unemployment reports in the daily newspapers don't convince my colleagues that there is no shortage of labor today, anywhere in the Nation, I invite him to visit the employment services, the hiring halls, the breadlines, and the rescue missions in any part of our great Nation. He will find no labor shortage, no lack of men willing and able to work at any job which will offer a living wage. The rub may be in those last four words—"offer a living wage."

The low level of wages in this field, and the availability of Mexican nationals in substantial quantities, is not a reflection of a labor shortage, but rather a cause of a domestic labor surplus. To be sure, the domestic migrants forced off the large corporate farms by braceros can find work in other areas, on other farms. But the wages which they can expect to receive, the treatment which they can look forward to, are all held down by the fact that braceros are always available—just beyond the horizon. Last year, when efforts were made to organize some of the domestic migrants, those attempting to organize unions found braceros, imported under Public Law 78, doing the work instead. Under other circumstances, the braceros might be considered as "scabs," but I think it a little unfair to apply the word to them as the situation stands.

Mr. Chairman, I recognize that a red flag is raised when there is talk about the possibility of organizing the men and women who work on America's farms. Many of my colleagues have made ringing speeches about labor monopoly and big-unionism and the other things that are supposed to menace the small businessman. But I have noticed that even the strongest opponents of everything organized labor does today, usually begin their remarks with a statement to the effect that unions were necessary in the bad old days, and they have done much good for the workers. I suggest that the conditions on our farms today are the conditions which the unions of long ago were organized to banish from the factories and mines and mills. If ever a segment of the industrial population needed organization, and the benefits that flow from it, it is the agricultural labor force of 1961.

But the amendments offered by the gentleman from Iowa do not seek to unionize the farmworker. This we leave to his own initiative, and to his own choice. What it does seek to do is to prevent the use of imported labor to continually depress the domestic worker's living standards, his wages, and his conditions of labor.

Many of our colleagues, during the recent debate on minimum wage legislation, spoke of the evils of foreign competition, and the spectacle of low-paid workers abroad being able to undercut the wages of Americans at home. But the committee bill, Mr. Chairman, is not content with allowing underpaid workers abroad to depress domestic wage scales. It goes so far as to encourage the importation of these workers. Let

me suggest to those who have spoken so movingly about American jobs being priced out of the market, that here is an opportunity to do something about it. Here is an opportunity to protect the living standards of essential American workers—without whose labor we could not eat.

Thus far, I have talked primarily about the effect of Public Law 78 upon our own people. I believe that these effects are, in themselves, sufficient reason to amend the program substantially.

But let us turn to another aspect of the entire controversy. Let us look at the effect this program has on our relations with our nearest Latin American neighbor—our sister republic—Mexico.

It is quite true that the Mexican Government, officially speaking, has approved of the Public Law 78 program, and has certified its approval by negotiating the contracts governing conditions of employment and recruiting. But in this program, might we not have the proverbial tiger by the tail?

It seems to me Mr. Chairman, that tremendous harm could be done to our relations with our nearest neighbors to the south if some Mexican Fidelista should take to the airwaves and the television screens, and, for anti-American purposes, discuss the bracero program, not as it might be described in the pages of some propaganda journal, but as it really exists.

The spectacle of the United States as a vast market for underpaid, exploited Mexican labor could do more to wreck the Alliance for Progress than all the rantings about "Yanqui imperialism" that emanate from Havana.

These considerations, of course, deal with our foreign policy—with our hopes to let the Western Hemisphere become an impregnable fortress against the infection of totalitarianism.

We cannot expect to see those high hopes come to fruition if allegations of "Yankee exploitation" join the myth of "Yankee imperialism" in the vision which our southern neighbors accept as a true picture of the United States.

But, we do not have to look abroad for arguments against the extension of Public Law 78 under its present terms. There is ample evidence of a purely domestic nature for demanding amendment.

If the House will approve the substitute amendments of the gentleman from Iowa—substitutes which enjoy the support of the White House, the Labor Department, the National Council of Churches, the National Catholic Welfare Council, and a host of other organizations dedicated to decency in agricultural employment—if the House will approve this substitute, the importation of Mexican nationals can continue where needed, but not where they are imported for the purpose of undercutting the wages of American workers. Employers will be required to offer domestic labor conditions of employment roughly comparable to those already enjoyed by the Public Law 78 employees.

The Coad amendment will bring a much needed change and will undo a

situation in which hundreds of thousands of Americans and hundreds of thousands of imported workers are chasing each other around a merry-go-round of declining wages, subhuman working conditions, and exploitation of which we can only be ashamed.

(Mrs. GREEN of Oregon asked and was given permission to revise and extend her remarks.)

Mr. JOELSON. Mr. Chairman, I oppose any program designed to encourage the importation of Mexican agricultural workers to harvest our crops at substandard rates of pay, especially at a time when millions of Americans are unemployed.

We hear the argument advanced that under the proposed law, Mexican workers would not be admitted unless the Department of Labor certifies that domestic workers are not available. However, this argument loses sight of the fact that if it were not for the easy availability of exploitable Mexican workers, domestic workers would become available because the growers would be obliged to pay agricultural workers a living wage.

Farmworkers are deprived by law of the benefit of minimum wage legislation. The importation of Mexican labor will further deprive American workers of the operation of the economic law of supply and demand. It is beyond dispute that if Mexican labor were not available, American workers would be able to obtain higher wages.

Many of the workers involved are in the cotton-growing regions. The cotton-growers receive Federal subsidies, and are apparently very happy to receive this bounty from the Federal Government. Yet they oppose wage and hour legislation for farmworkers, pay as little as 50 cents an hour in some cases, and want the Government to aid them to import foreign labor when Americans refuse to work for such pay.

I say that the Government should not be party to this peonage, and I shall vote against the proposed law.

Mr. COOLEY. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, I thank the gentleman for the minute. It has become very apparent in our argument against the rule that we are certainly not going to have a very good chance to defend our action or to make our case. I, however, will extend my remarks in the RECORD, and I hope they will be read by the House, and we will also have full opportunity to present our case under the 5-minute rule.

The Mexican farm labor importation program is a disgrace to a Nation which prides itself on its affluence and high standard of living.

It is a program which feeds on poverty in Mexico, and which increases poverty at home. It has been denounced by religious leaders of all faiths—both in the United States and Mexico—and has been repudiated by responsible citizens from all walks of life. In its present form, it is a black mark against the domestic policy of the United States—a black mark which needs to be erased as quickly as possible.



To me, it seems incredible that the U.S. Government should continue to perpetuate such a program for the benefit of less than 2 percent of the farm employers in the United States. Over 98 percent of our farmers employ citizen labor exclusively. Yet, those who use foreign labor—chiefly large growers in a few Western and Southwestern States—have the audacity to tell a committee of the U.S. Congress that American workers will not do stoop labor on the farm. What is even more incredible is that a distinguished committee of the House of Representatives will believe these growers, despite all of the evidence to the contrary.

Mr. Chairman, this is a program which makes a mockery of the free enterprise system. It says, in effect, that if American workers refuse the rock-bottom wages and working conditions offered them by farm employers that the U.S. Government will bring in poverty-stricken foreign workers to satisfy the employers' needs. Repeatedly the proponents of Public Law 78 are heard to espouse their love and undying loyalty to the free enterprise system and the law of supply and demand. But where, may I ask, does the law of supply and demand operate here?

The effect of this program has on the workers who are displaced is as disastrous as the program itself. These depressed workers must pack their families, like cattle, into decrepit trucks, busses, and jalopies and "hit the road." They must accept work wherever they can find it, and if the wages offered are too low for the combined efforts of mothers and fathers to support their families, the children must go into the fields. If any of you have seen the conditions under which most of these American migratory laborers work and live, you know it is not necessary to go abroad to see people living in abject poverty.

The implications of the substandard labor conditions which exist on U.S. farms are not solely economic—they are moral as well. This is a nation which prides itself on its moral stature—yet it allows a system such as this to continue unchecked. As the leader of the free world, the United States cannot afford to perpetuate a farm labor system which is rooted in poverty and destitution.

H.R. 2010, by providing a carte blanche 2-year extension of Public Law 78, would merely perpetuate this deplorable system without relief. It would give congressional approval to the destitution, the underemployment, and the exploitation of about 2 million domestic farm workers who are already at the bottom rung of the economic ladder.

The Mexican farm labor program has been denounced not only by church groups, labor unions, consumer and civic bodies; it has been denounced by farm groups as well—especially those farm organizations representing small, family farmers. These organizations realize that if a large grower or processing corporation is able to obtain an unlimited quantity of labor for low wages, the labor performed by a farm operator and the members of his family is of equally low value. They also realize that that avail-

ability of Mexican labor causes overproduction and a resulting decline in the prices small growers receive for their products.

The American Grange has gone on record as saying that—

Continued extensions of Public Law 78 are [not] in the best interests of a majority of American farmers.

The Farmers Union has stated:

We do not believe that a majority of American farmers favor a future for our Nation's agriculture that is built on a mud sill of poverty.

Mr. Chairman, the question we must decide then today is this—"Shall we make it a matter of public policy to perpetuate a farm labor system based on poverty and destitution both at home and in Mexico, or shall we attempt now to eliminate this blight from the American scene?"

The American Farm Bureau Federation and its bracero-using allies want us to vote for H.R. 2010 and perpetuate these conditions. I say that the time has come when these people must be told by the Congress of the United States that this country no longer considers labor a commodity to be bought at the lowest possible price.

We in this Congress represent the people of the United States. Can we put the American public into the position of condoning the importation of cheap labor from destitute foreign countries for the benefit of some of the richest agricultural producers in the world, notwithstanding the decline in farm prices? Can this Nation, as the leader of the free world, stay smug in the belief that the rest of the world will remain blind to the fact that we are exploiting the poor of both the United States and Mexico so that less than 2 percent of America's farmers can have cheap labor?

I hope that the House of Representatives will answer these questions with a resounding "No."

Mr. Chairman, at this point I would like to include a table indicating a breakdown by States of how braceros were employed in 1959. I believe that table has particular pertinency to our discussion today.

*Total number of farms and number of farms on which Mexicans were employed, by States using Mexicans, 1959*

State	Total number of farms	Number of farms on which Mexicans were employed	Farms on which Mexicans were employed as a percent of total farms
Total, 25 States....	2,314,652	48,788	2.1
Total, 48 States....	3,700,000	48,788	1.4
Arizona.....	7,219	923	12.8
Arkansas.....	95,009	2,641	2.8
California.....	99,260	12,176	12.3
Colorado.....	33,390	2,060	6.2
Georgia.....	106,347	102	.1
Illinois.....	154,640	3	(1)
Indiana.....	128,160	46	(1)
Iowa.....	174,707	10	(1)
Kansas.....	104,345	5	(1)
Kentucky.....	150,984	9	(1)
Michigan.....	111,817	3,921	3.5
Minnesota.....	145,662	21	(1)
Missouri.....	168,673	206	.1
Montana.....	28,957	749	2.6
Nebraska.....	90,475	562	.6

*Total number of farms and number of farms on which Mexicans were employed, by States using Mexicans, 1959—Continued*

State	Total number of farms	Number of farms on which Mexicans were employed	Farms on which Mexicans were employed as a percent of total farms
Nevada.....	2,350	27	1.1
New Mexico.....	15,919	1,888	11.9
North Dakota.....	54,928	13	(1)
Oregon.....	42,573	15	(1)
South Dakota.....	55,726	76	.1
Tennessee.....	157,688	65	(1)
Texas.....	227,054	22,310	9.8
Utah.....	17,811	211	1.2
Wisconsin.....	131,215	213	.2
Wyoming.....	9,743	536	5.5

<sup>1</sup> Less than 0.05 percent.

Source: U.S. Department of Labor, Bureau of Employment Security, Office of Program Review and Analysis, Farm Labor and Migration Studies, Mar. 10, 1961.

Mr. COHELAN asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. If there are no further requests for time, the clerk will read.

The Clerk read as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 509 of such Act, as amended, is amended by striking "December 31, 1961," and inserting "December 31, 1965".*

With the following committee amendment:

Page 1, line 4, strike out "December 31, 1965" and insert "December 31, 1963"

The committee amendment was agreed to.

Mr. COAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COAD: On page 1, add the following new paragraph: "That section 501 of title V of the Agricultural Act of 1949, as amended, is amended by deleting the semicolon at the end of clause numbered '(1)' and adding the following at the end of the clause, 'Provided, however, That no workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer for employment involving the operation of or work on power driven machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.'"

Mr. COHELAN. Mr. Chairman, I make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count. [After counting.] One hundred and fifteen Members are present, a quorum.

Mr. COAD. Mr. Chairman, it had been my original plan to offer an amendment in the form of a substitute, H.R. 6032. However, I would like to announce, as I have previously—at least, I would like to repeat what I previously said—that I am going to offer a series of amendments which, in substance, is H.R. 6032 broken down so that we will have the opportunity to vote on the several provisions that it contains.



Mr. Chairman, I would like to state that H.R. 6032 embodies the amendments which have been supported and are supported by the administration. It is only upon the adoption of these amendments that the administration supports the extension of the Mexican farm labor bill.

Now, this first amendment, which has just been read, is a very simple amendment. I am sure we are aware of its simplicity when we realize that all that it does is this: it states that the Mexican workers imported into this country are not to become operators of or to work on power-driven machinery except in specific cases when found by the Secretary of Labor that it is necessary for a temporary period to avoid undue hardship.

What is being done here is this. The operation of power-driven machinery on a farm is still classified as at least a semiskilled job. If we are to import labor—and a case is being made that American workers will not do stoop labor—then I think we ought to recognize the fact that the operation of power-driven machinery is the kind of work which our American people will do. I know enough from my own relationship to actual farm operations that people who have to operate power-driven machinery must obviously be trained. They have to know what they are doing.

Mechanized implements are very technical, what with power lifts and hydraulic systems, and so on. So this is work that should be done by Americans, and I believe it is not asking too much to place some of our 1,400,000 unemployed and underemployed in this semiskilled position of operating power machinery.

Mr. GATHINGS. Mr. Chairman, will the gentleman yield?

Mr. COAD. I yield.

Mr. GATHINGS. Can the gentleman state to the committee to what extent Mexican nationals are used in this type of work?

Mr. COAD. I do not know exactly what the percentage would be, but I understand that in this last year approximately 20,000 Mexican workers were involved in work of this nature.

Mr. GATHINGS. Where were they doing this work, in what locations?

Mr. COAD. There are 18 States in which this kind of work is going on. I am not qualified to say that there are just so many in certain States.

Mr. GATHINGS. I cannot understand why the gentleman would make a statement unless he could give us some facts to back it up.

Mr. COAD. I am stating the fact that any time a Mexican worker is operating a machine he is obviously displacing an American worker who should be operating the machine. This is merely language to be placed in the law to prohibit that. If the point is valid, then it is valid whether there are 10 or 10,000 that are involved.

Mr. GATHINGS. I have been working on this program for a great many years and I do not recall any testimony of them being used in the operation of machinery.

Mr. COAD. I am confident that there are. I understand the authority for that is the Department of Labor. Whether it has been witnessed by the gentleman from Arkansas or not, it is happening. And as I said, the point is just as valid whether there are 10 who are operating machines or 10,000. If American workers are being displaced in this kind of semiskilled or skilled work, then something should be written into the law to prevent that. That is all that I am asking.

Mr. Chairman, I ask for a vote in favor of this amendment.

Mr. COOLEY. Mr. Chairman, I rise merely to make one observation; and that is that operation of machinery as contemplated by this amendment has no place in this bill. No Mexican worker could possibly be employed to operate machinery if in fact there was a domestic worker available. That ought to end it. I ask for a vote against the amendment.

[Mr. CLEM MILLER addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. SISK. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I think we have come down to the crux of some problems that we face here. I think I have tried to make our position fairly clear on this issue. I supported Public Law 78 in years past, and I have said I propose to support the present extension because I think in a couple of years, we may be able to work out some of these problems. I want to say to my good friend, the gentleman from Iowa, I am completely sympathetic with what I believe to be the objectives of his amendment. So, for that reason, I would like to direct some questions to him. I have been on this floor, I think, every year since I have been in Congress for the past 7 years, and I have made a plea for the continuation of this program because of our need for stoop labor. To my good friends, the gentleman from North Carolina [Mr. COOLEY], and the gentleman from Texas [Mr. POAGE], and the gentlemen on the committee, I say—let us be consistent. We are talking about a need for stoop labor. I am talking of the people who harvest our vegetables and who harvest our fruit and who actually do the work, even in picking your cotton and so on. But, I am opposed to the use of these Mexican nationals to drive our tractors and to my good friend, the gentleman from Texas [Mr. POAGE], I want to say I would certainly oppose the driving of a tractor to town to haul a bale of cotton because we have plenty of Americans who are happy and ready to do that kind of work. I ask the gentleman from Iowa this question. Is it not a fact that the gentleman simply seeks by his amendment to preclude the use of Mexican nationals so far as driving a tractor is concerned and the operation of harvesting machinery and other farm machinery; is that right?

Mr. COAD. That is exactly right.

Mr. SISK. Let me suggest to the gentleman, I think the wording of his amendment may not be, at least in my

opinion, probably as good as it could have been if he had authorized the Secretary by regulation to have required that no nationals be used in this field which would have given him some flexibility. I believe the amendment in such a form would be somewhat better. The interpretations that some of our friends have attempted to place on this, of course, as the gentleman realizes, can be a little ridiculous. The point is—I am heartily in favor of restricting this Mexican national labor to those situations where justification can be found for the use of this Mexican labor to stoop labor and to keep them off machinery and the handling of equipment. I do not care if it even is the matter of changing a tire because there are plenty of Americans in this country who are in the tire business, and they would be glad to do the work of changing a tire. So I am not in favor of having Mexican nationals change tires.

Mr. COOLEY. Mr. Chairman, will the gentleman yield?

Mr. SISK. I yield to the gentleman from North Carolina.

Mr. COOLEY. I do not think the gentleman wants to do anything to weaken this bill or to lessen the chances of passing this bill. Why should we accept an amendment that is just as ridiculous as this discussion has indicated it to be?

You know and I know and this committee knows that this situation can be very aggravated if the Secretary of Labor must first affirmatively find that there is no tractor driver available in the domestic labor market before he can permit a Mexican national to get on that tractor.

Mr. SISK. I agree completely with the chairman's contention—that is right—but let me say this. It seems that for some peculiar reason, however, they seem to find justification for a need even for a tractor driver, and yet, I know to my own knowledge that a reasonable rate for tractor driving of \$1.50 or \$2 or \$2.50 an hour is being paid, I am sure my friend will agree that if we are going to pay that kind of money, they can get tractor drivers; is that not right?

Mr. COOLEY. What you are saying, and I do not think you intend to do it, what you are doing is indicting the administrators of this program—the labor officials in the Department of Labor.

Mr. SISK. No, I do not think I am indicting them at all.

Mr. COOLEY. As I say, I do not think you intend to do that, but you are saying that they can always find a justification for this and find that there is nobody there to do that work.

Mr. SISK. Of course, you cannot find them and I think my friend will agree with me that you probably cannot get a tractor driver for 40 cents and 50 cents an hour. Let us just be frank about this. I think the gentleman and I are on the same side with reference to the need to extend this program, but I think we should at least be consistent and let us use these people to do the stoop labor which Americans do not want to do and are unwilling to do; is that not right?



Mr. COOLEY. If the gentleman does not think this program is well administered why does he not have his committee go down to the Department of Labor and suggest that they amend their rules and regulations? I think he ought to admit that this program has been properly and well administered.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. SISK. I am sorry to say that I cannot agree that this program has always been perfectly administered at all times or in all areas.

(Mr. SISK asked and was given permission to revise and extend his remarks.)

Mr. BASS of Tennessee. Mr. Chairman, I move to strike out the last word.

(Mr. BASS of Tennessee asked and was given permission to revise and extend his remarks.)

[Mr. BASS of Tennessee addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. UTT. Mr. Chairman, I move to strike out the last word.

Mr. Chairman, I take this time to ask the gentleman from California [Mr. SISK] a few questions.

My understanding is, and certainly in my district it is prohibited, for any Mexican national under the bracero program to operate any mechanically driven vehicle. I have had at least a dozen farmers in my district have their entire allotment of Mexican labor withdrawn from their farms because one Mexican bracero moved a tractor from the field into a shed when it was raining.

If this law is not being administered uniformly throughout the State of California, it should be. I do not know about the rest of the country. I wish the gentleman from Fresno would give me an instance of any farm in his district where the Mexican bracero is operating mechanically driven vehicles.

Mr. SISK. Mr. Chairman, will the gentleman yield?

Mr. UTT. I yield.

Mr. SISK. I shall be happy to answer the gentleman's question. So far as I know, in my own district we are not using braceros as tractor drivers or operators of harvesting machinery. The statement that I made was a quotation of a statement that the Department of Labor made as late as yesterday, a statement that in some areas of the country these braceros are being used to operate power-driven equipment.

In my opinion, this is contrary to the plea I have made and that many others have made throughout the years. We want stoop labor. Generally, in my area I know of none used in this way, and I do not think they should. But if the law needs strengthening to take care of this, I think the gentleman's amendment does have merit.

Mr. UTT. I would like to ask the gentleman why do they not drive tractors in his district?

Mr. SISK. It is my understanding that under the regulation and the requirements of the people who are in con-

trol of the program they simply are not permitted to use them for that purpose.

Mr. UTT. That is absolutely correct, and I cannot understand why there is not universal administration of this law. They have the administrative power, why are they not using it? Why should we have an additional law to which they can add a peculiar regulation that will throw us all out of kilter again?

Mr. SISK. I think I find myself in complete agreement with my colleague from California. It seems to me that this should be true all across the belt where they are being used. That is a statement made by Department people. This is not true in all areas of the country. I do not know where they are using them, whether in Arkansas, Texas, or somewhere else. I have been told they are using them as tractor drivers and operators of mechanical equipment. What is fair for the goose is fair for the gander.

Mr. UTT. The gentleman's testimony is entirely hearsay, and so is the testimony of these other gentlemen.

Mr. GUBSER. Mr. Chairman, will the gentleman yield?

Mr. UTT. I yield to the gentleman from California.

Mr. GUBSER. The gentleman has had extensive practical farm experience, as many others in this body have had that experience. Would the gentleman, or would any other Member having had such experience, be so foolish as to take an expensive piece of farm equipment which requires skill in its operation and maintenance and entrust it to a Mexican bracero who has had no experience with that type of equipment? Would it be good business?

Mr. UTT. No.

Mr. GUBSER. Would the gentleman do it?

Mr. UTT. No.

Mr. GUBSER. And no other experienced farmer would do it.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. UTT. I yield to the gentleman from Iowa.

Mr. COAD. I would like to refer to the Mexican Consultants Report that was put out. This was actually made for the Secretary of Labor. On page 5, paragraph 2, they refer to skilled occupations. There are two paragraphs where this whole situation is gone through, and I would like to read a sentence or two.

In addition to those employed in tractor operations and as ranch hands, thousands are engaged in skilled and semi-skilled jobs.

Mr. UTT. What is the authority for that statement?

Mr. COAD. That is what I am saying.

Mr. UTT. Is this the report authored by Norman Thomas, the socialist? and Helen Gahagen Douglas?

Mr. COAD. One is Edward J. Thye of Minnesota. Is he a Socialist? He is of your own party and a former Senator. If he is a Socialist, I will let the gentleman's remark stand.

Also in addition it says:

Recently, the Department has been confronted with the problem of Mexican workers penetrating into field packing and sorting of vegetables as new machine methods were introduced and the work transferred from the shed to the fields. This work was formerly done by packing shed operators at higher wage rates in sheds.

Mr. BAILEY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, as a member of the House Committee on Education and Labor, it has been my privilege on several occasions to try to include in the minimum wage and hour law of this country the individuals who are working on about 3600 industrial farms in our Nation.

Let me say that my purpose in trying to bring them in under the minimum wage law was to prevent these big organized farm groups, such as the Di Georgia farm in the San Joaquin Valley of California employing these people. They are driving what we know as the ordinary farmers out of business because they cannot compete with that mass production of these big farms.

It was my pleasure in 1950 to conduct a labor hearing in Bakersfield, Calif., growing out of the strike on the Di Georgia farm. The Federal Immigration and Naturalization Inspector who testified there said that in the previous 90 days he had taken 315 Mexican individuals off of that farm and deported them to Mexico. They are brought in here under these contracts. No attention is paid to them. They leave the farm to which they are under contract and they appear somewhere else miles away. They report to one of these big farms and go to work.

Mr. TEAGUE of California. Mr. Chairman, will the gentleman yield?

Mr. BAILEY. I yield to the gentleman from California.

Mr. TEAGUE of California. Was this in 1950, that the gentleman spoke of?

Mr. BAILEY. That was 1950. I agree that conditions may have changed, but at that time there were only 2,100 of those mass production farms. Now there are between 3,600 and 3,700 that belong under the provisions of the Minimum Wage Act. Certainly the 50-cent wage limit carried in this bill is no comparison to the \$1.25 minimum we fixed on the floor of the House the other day.

Mr. TEAGUE of California. Is it not true that in 1950 these men must have been wetbacks, here illegally, whereas now the workers on these farms are here legally under treaty with the Republic of Mexico?

Mr. BAILEY. I say that this legislation has been lousy legislation all along. It does not belong on the statute books. And, I repeat again, if it would have come before the Labor Committee, where it belonged, it would not be here today.

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)



Mr. COHELAN. Mr. Chairman, I move to strike out the last word.

Mr. COAD. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentleman from Iowa.

Mr. COAD. This advisory committee that made this consultants' study to the Secretary of Labor consisted of the following gentlemen:

The four men who reported to the Secretary of Labor were: Ex-Senator Edward J. Thye, of Minnesota, one of the men who helped write Public Law 78; Rufus B. von Kleinsmid, chancellor of the University of Southern California and ex-president of the University of Arizona; Glenn E. Garrett, executive director of the Good Neighbor Commission and chairman of the Texas Council on Migratory Labor; and Msgr. George G. Higgins, social action director of the National Catholic Welfare Conference.

Mrs. GREEN of Oregon. Mr. Chairman, will the gentleman yield?

Mr. COHELAN. I yield to the gentlewoman from Oregon.

Mrs. GREEN of Oregon. The gentleman from West Virginia spoke a few minutes ago of the number of braceros who do not return to their country. In the report to the Mexican bishops who, by the way, oppose this bracero program—a report not of 1950 but of 1957—it is pointed out that since 1942 about 2.5 million braceros, have entered the United States under legal contract. Four out of every ten have not returned to their homes and families in Mexico, which I certainly think supports the contention made by the gentleman from West Virginia a few minutes ago.

Mr. COHELAN. I thank the gentlewoman for her very important contribution.

Mr. Chairman, I take this time merely to make a couple of comments. In the first place, as you undoubtedly know by this time, I am opposed to the extension of Public Law 78. However, the distinguished gentleman from Iowa has introduced and will continue to introduce certain amendments which are well known to us, and I shall support those amendments. Should these amendments by some chance not be approved, I shall have some amendments to suggest myself at the appropriate time. I want to take this opportunity to also point out that the amendments which are being introduced by the gentleman from Iowa have the full support of the administration.

In a press release dated April 24, 1961, Secretary of Labor Arthur Goldberg stated, and I quote:

It is my view and the view of the administration that the power and authority of government should not be used in a manner which tends to perpetuate or lower the already depressed economic condition of U.S. farmworkers. Evidence accumulated by the Department of Labor proves beyond doubt that the mass importation of Mexican labor has had, and is having, an adverse effect on the wages, working conditions, and employment opportunities of U.S. farmworkers. At a time when unemployment is a major problem in the United States, there can be no justification for continuing such a program unless action is taken to protect the interests of U.S. farmworkers.

Mr. Chairman, I would like to move from that for a moment and take this opportunity to discuss a couple of points quickly. One is in connection with the effect this is going to have upon the Republic of Mexico. I would call attention to the report that was filed by my distinguished colleague from Iowa [Mr. COAD] wherein he refers to this precisely in an item that is labeled on page 28, "Effect on Mexico":

The Mexican farm labor importation program is, in effect, a point 4 program to Mexico, the supporters of Public Law 78 have testified. The fact is that Public Law 78 is not a foreign aid program, but a program to supply American farmers with supplemental labor. It must be examined on this basis, and not on the basis of a point 4 program. While it is true that the money brought home by Mexican braceros is of help to the Mexican economy, it cannot be argued that this is a legitimate justification for a program which is undermining the economic position of American farmworkers.

And as was stated in the minority report of this committee in 1960:

One can hardly expect the American farmworker to shoulder the burden of providing foreign aid to Mexico. If Mexico is to be helped, let us do it through our regular aid program.

[Mr. McCORMACK addressed the Committee. His remarks will appear hereafter in the Appendix.]

Mr. COOLEY. Mr. Chairman, I move to strike out the requisite number of words.

Mr. Chairman, the majority leader is always very clear and cogent and convincing, but somehow he does not convince me that his position on this bill at the moment is right. He says he has in the past voted for the Mexican labor bill because he was anxious to do something to improve the lot of the Mexican workers. This bill has the same reasons behind it as the original bill. It was primarily to protect the Mexican worker, who before the program was referred to as a wetback. He was slipping across the border, staying away from the immigration authorities, being mistreated and exploited. Since we have had the program that situation has greatly improved. The Mexican worker is by this program protected by regulations of the Department of Labor. The Mexican workers are not mistreated, as this debate has indicated. If the Mexican worker is mistreated the Mexican Government can insist on the cancellation of the contract. It can refuse to enter into a contract or into an agreement with our Government for the use of this labor. This program is important to the economy of Mexico because these workers come here and work in our fields and earn from \$100 million to \$150 million a year, and then take it back home to support their families.

Mr. McCORMACK. My remarks were not in connection with the Mexican workers. I was talking about the American citizens. The gentleman is trying to bring it back to the Mexicans. I was talking about American citizens.

Mr. COOLEY. I will talk directly about that. I do not think the gentleman comprehends the scope of his amendment or the effect of it. The ef-

fect of his amendment would be to create a terrific problem in all the areas where the workers would be used. You have the problem of housing, you have the problem of health, you have the problem of schools. You will have the population of the American States being shifted from one area of the country to the other, and then we will have a real harvest of shame, as was said in this debate. I know the gentleman's heart is right, he wants to do the right thing, but I am afraid if we adopted this amendment we would not only destroy the program but bring about a situation which would be intolerable.

Mr. McCORMACK. The gentleman referred to housing. My amendment refers to terms and conditions of employment, which includes wages, hours, housing, and so forth, reasonably comparable to those offered to foreign workers. That is what my amendment calls for.

Mr. COOLEY. That is right so far, but do not stop. Just read it all. It says: "at terms and conditions of employment" and "wages and hours of work" and "employment guarantees, transportation." Transportation from where? From remote and distant places in this great vast Republic—to any other place.

Mr. McCORMACK. The gentleman knows that that is not so.

Mr. COOLEY. What?

Mr. McCORMACK. You know that that is not so.

Mr. COOLEY. It says "transportation."

Mr. McCORMACK. I know and you know that you do not take them from Mississippi, as you tell me, and ship them out to California.

Mr. COOLEY. We certainly did in the old farm security days. When I went out to investigate in the old farm security days, I found a whole colony of them from Mississippi sitting on a main street in Portland, Oreg. Don't tell me that they do not transfer them around. It says "housing." We have described the housing and the regulations that are now in effect. One member of my committee told me that he had studied this carefully and he had concluded that his fraternity house back in his college days could not meet the minimum requirements set up by the Department of Labor.

Mr. McCORMACK. But it is all comparable to those offered to foreign workers.

Mr. COOLEY. That is right.

Mr. McCORMACK. Do you object to American workers getting the same wages and housing and so forth as are given to foreign workers?

Mr. COOLEY. I certainly do object to this amendment. It would mean transporting workers and their wives and children across the country, providing free housing, meals, and other benefits without any assurance that they would work even one day in the job they had been recruited for.

Mr. McCORMACK. Apparently, you take this position in opposition judging by the attitude you are taking now.

Mr. COOLEY. I want to make one thing perfectly clear.



Mr. McCORMACK. You cannot read into my amendment something that is not there—not while I am present on the floor.

Mr. HOFFMAN of Michigan. Mr. Chairman, I make a point of order. I cannot hear them when they are both talking at once.

Mr. COOLEY. I am not trying to read anything into the amendment.

The CHAIRMAN. The gentleman from North Carolina [Mr. COOLEY] has the floor.

Mr. COOLEY. It says further "occupational insurance and subsistence, reasonably comparable"—and so forth. Now I would like to state my objections.

Mr. McCORMACK. Would you object to what is reasonable?

Mr. COOLEY. All right, I will read it all. I do not want to fuss about it. None of this has any effect in my State or district. It says, "reasonably comparable to those offered foreign workers." My objection to it, Mr. Chairman, is that it will bring about a situation in this country which we hope will never happen again. We will go right back to the wet back days. We will go back to the situation where we had these people traveling from one end of the country to the other dragging their little children with them.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSS. Mr. Chairman, I ask unanimous consent that the gentleman from North Carolina may proceed for 2 additional minutes.

The CHAIRMAN. Without objection, it is so ordered.

There was no objection.

Mr. GROSS. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Iowa.

Mr. GROSS. I have listened intently to this debate this afternoon, and as of this time and this very moment, I have not heard what Edward R. Murrow's position is on this.

Mr. COOLEY. I do not know what Mr. Murrow's position is. I have not seen the movie that the gentleman has reference to, but I understand it is called "The Harvest of Shame" and is not based upon the use of Mexican labor but of domestic labor and it does not truly reflect the situation that exists in this country.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that debate on the pending amendment do now close.

Mr. BASS of Tennessee. Mr. Chairman, I object.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment close in 5 minutes.

Mr. BASS of Tennessee. Mr. Chairman, reserving the right to object, I have an amendment. Would that be cut off?

Mr. COOLEY. My request would not cut that out. I asked that debate on the pending amendment close in 5 minutes.

Mr. BASS of Tennessee. This is an amendment to the amendment.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the pending amendment and all amendments thereto close in 5 minutes.

Mr. BASS of Tennessee. May I have a couple of minutes?

Mr. COOLEY. The gentleman from Tennessee may have all the time as far as I am concerned.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. BASS of Tennessee. Mr. Chairman, I offer an amendment to the amendment.

The Clerk read as follows:

Amendment offered by Mr. BASS of Tennessee to the amendment offered by Mr. COAD: Strike out the words on line 7 "or work on."

[Mr. BASS of Tennessee addressed the Committee. His remarks will appear hereafter in the Appendix.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. BASS] to the Coad amendment.

The question was taken; and on a division demanded by Mr. COAD there were—ayes 52, noes 125.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. COAD].

The question was taken; and on a division (demanded by Mr. COAD) there were—ayes 75, noes—130.

So the amendment was rejected.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close at 4 o'clock.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

Mr. COAD. Mr. Chairman, reserving the right to object, in the beginning of the maneuvering on this bill, I asked the gentleman from North Carolina, my beloved and distinguished chairman, if in the Rules Committee he would make a request for 2 hours. Upon the basis he was going to request 2 hours of general debate I made an agreement with him I would not oppose this bill in the Rules Committee. I thought I made a firm agreement. However, the request was made before the Rules Committee for only 1 hour of general debate.

I would appreciate it if the gentleman would not choke this off at this time.

Mr. COOLEY. I am perfectly willing to let the gentleman proceed for 35 minutes.

Mr. COAD. Mr. Chairman, I object. Mr. SANTANGELO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. SANTANGELO. Mr. Chairman, I would like to inquire how many amendments we have at the desk.

The CHAIRMAN. The Chair informs the gentleman that there are six amendments at the desk.

Mr. SANTANGELO. Mr. Chairman, I would respectfully request the chairman

of the Committee on Agriculture to give us a little more than 2 minutes on each amendment.

Mr. COOLEY. Mr. Chairman, I ask unanimous consent that all debate on the bill and all amendments thereto close at 4:15 today.

The CHAIRMAN. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COAD: On page 1 add the following paragraph:

"That section 501 of title V of the Agricultural Act of 1949, as amended, is amended by deleting the semicolon at the end of clause numbered '(1)' and adding the following at the end of the clause, 'Provided, however, That no workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.'"

(Mr. COAD asked and was given permission to revise and extend his remarks.)

Mr. COAD. Mr. Chairman, this, like the other amendments which I will offer, is a very simple one. It is a very fair one to the American workers. Public Law 78 does not limit the use of Mexican nationals to seasonal occupations, although the history and background of this program indicated generally that it was considered to be for the purpose of meeting emergency needs. However, approximately 1 percent of the Mexicans that are brought in are known as specialists and they are employed on a year-round basis. These are the workers with specialized knowledge and experience who are specifically requested at reception centers and whose contracts are renewed every 6 months. Most specialists are employed in the border States of Texas and New Mexico.

Mr. Chairman, what this amendment says simply is this, that "except in specific cases, when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship," those Mexican nationals cannot be employed in any other than temporary or seasonal occupations. They cannot be brought in and put to work on a year-round basis. This year-round basis program actually involves normally the semiskilled and skilled operators. They are used as ranch hands and as general farm hands. This is a matter of fact. What we are saying in this amendment is: Let us give American workers these year-round jobs, and if we do require and need stoop labor, if we do need harvest seasonal help, then let us bring in the Mexicans in order to fulfill this requirement. So, we are simply saying: Let us have a program of helping out our unemployed American domestic and migratory farm-workers and, indeed, if we have year-round work, let us give it to our people here at home.

The CHAIRMAN. The Chair recognizes the gentleman from Michigan [Mr. O'HARA].



Mr. O'HARA of Michigan. Mr. Chairman, I come from a district where a number of growers, principally in apples, sugarbeets, and pickles, use migrant labor. I have discussed this program with some of them at great length. In my district they use "bracero" labor for seasonal work only, as the program originally intended, and not year round. Nor do they use bracero labor to operate farm machinery.

The growers in my district believe they need Public Law 78 labor and want to use it for the purposes for which the bill was originally enacted; that is, to supplement the domestic labor force at peak seasons. They want to see Public Law 78 extended and they do not object to amendments that would cure abuses such as the one aimed at by this amendment.

The administration has put us on notice that they will veto an extension that does not contain strengthening amendments. If you want to see this program continued for the growers of your area who make honest and legitimate use of bracero labor, you should support reasonable amendments like the one before us at this time.

Mr. Chairman, I am going to support this amendment. It is not going to hurt the growers in my district or any other grower who is making legitimate use of this program and it will correct a serious abuse.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. ROOSEVELT].

(Mr. ROOSEVELT asked and was given permission to revise and extend his remarks.)

Mr. ROOSEVELT. Mr. Chairman, I rise to speak in favor of this amendment. I should like to say simply that I heartily endorse the words just spoken by the gentleman from Michigan [Mr. O'HARA]. I, too, am in support of the amendments offered by the gentleman from Iowa [Mr. COAD], or that will be offered by him. I think there can be no question, if we look at the record and if we read what the Department of Labor has to say about the implementation of Public Law 78, that without these amendments there is very little likelihood of what perhaps could be and I believe would be a very useful program being enacted. Therefore I hope that this House will consider carefully the amendments and will vote in favor of them.

H.R. 2010 has the purpose of continuing Public Law 78 without any additional authority to the Secretary of Labor to prevent adverse effect to American farmworkers who work in the same areas and often in the same field as Mexican braceros. In other words, it seeks to maintain the privileged position of a small group of farmers who have been able to manipulate Public Law 78 in a way which makes it unnecessary for them to offer competitive wages.

The majority report points out that farm wage rates have been going up in the last 10 years, leaving the implication that the Mexican national importation program does not hinder the economic progress of American farm labor. A closer look at the facts, however, reveals

that in areas and crops where Mexican workers are used—mainly in the border States of Texas, Arizona, New Mexico, and California, and in Arkansas—the upward wage trend has not kept pace because of the ready availability of Mexican nationals.

Under Public Law 78, Mexican workers must receive rates prevailing in the area, for similar work performed by U.S. farmworkers. State agencies affiliated with the Bureau of Employment Security of the U.S. Department of Labor are required to make surveys during active seasons to determine prevailing wages paid to American workers in each of the activities in which Mexican nationals are employed. The Department of Labor does not set wages but merely attempts to determine what rates prevail.

A study made by the Department of Labor shows that in the great majority of areas where Mexicans have been employed, wages for American workers employed in similar activities have remained virtually unchanged year after year. In the Arkansas Delta area, for example, farmers have been paying American workers 30, 40, and 50 cents an hour for cotton chopping while at the same time thousand of Mexicans are employed in this activity. In New Mexico, the rate for cotton chopping and other general farm chores has remained 50 cents an hour for several years because employers have not felt the necessity to attract American workers or to adjust wage levels to keep those farmworkers who live in the area. In California, where average farm wages are among the highest farm wages in the country—about \$1.20 per hour—the rate paid to American workers in the Imperial Valley, which is largely dominated by Mexicans, has remained approximately 70 to 75 cents an hour.

This is a situation that feeds on itself. If low farm wages are permitted to continue, more and more farmworkers must either become migrants or seek nonfarm jobs. Each year tens of thousands of American workers leave Texas for higher paying jobs in the Northwest and Great Lakes States, while Mexicans are brought into Texas for lower paying jobs. Thousand of workers migrate from New Mexico each year to Colorado and other States because they are unwilling to toil at the prevailing, but substandard, rate of 50 cents an hour.

Before extending Public Law 78, Congress should take a good look at it from the standpoint of how this law affects the American farm wage structure, general wage standards in the United States, and the domestic farm labor supply. There is no evidence in the majority report on this bill that adequate consideration has been given to these questions. If consideration were given, the conclusion would inevitably be reached that the Secretary of Labor needs more authority to cope with the complex problems of the importation program. H.R. 2010 merely maintains the status quo.

Farmworkers receive the lowest wages of any group in the United States. During 1959, wages in agriculture averaged only 80 cents an hour—about one-third the average wage for manufacturing and

less than one-half the hourly earnings for the retail-trade employees. It is inconceivable that the American people will permit the authority of government to be used to further depress the wage levels of more than 2 million hired farmworkers who are engaged in the essential job of producing food and fiber.

Some badly needed reforms were contained in H.R. 6032 and can be summarized as follows:

First. The Secretary of Labor is given authority to limit the number of foreign workers who may be employed by an employer, so as to stimulate active competition for domestic farm labor.

Second. To obtain foreign workers a farm employer must offer U.S. workers terms and conditions reasonably comparable to those guaranteed Mexican workers.

Third. Employers must pay U.S. farmworkers the same wages and other benefits as those given foreign workers.

Fourth. Employers of braceros would be required to offer American workers at least as much as the average hourly rate for farmworkers in the State or Nation, whichever is lower, but any yearly increase required would be limited to 10 cents an hour. This amendment is designed to restore wages where the presence of foreign labor has had a depressing effect over the years.

If amendments are not adopted substantially accomplishing these purposes I recommend the defeat of H.R. 2010.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Chairman, I rise in opposition to the amendment, not because I am not sympathetic with what I believe is intended, but because this amendment is entirely unnecessary. The existing law is very clear. The Secretary of Labor has all the powers he needs right now to prevent the hiring of braceros for any work which would in any way adversely affect domestic labor. The intention is good but this is not necessary. The law is clear now. I urge that the amendment be voted down.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. COAD].

The question was taken; and on a division (demanded by Mr. COAD) there were—ayes 46, noes 91.

So the amendment was rejected.

Mr. COAD. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COAD: On page 1, add the following paragraph:

"That title V of the Agricultural Act of 1949, as amended, is amended by renumbering section 504 as section 505, and adding a new section 504 to read as follows:

"Sec. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to such workers wages equivalent to the average farm wage in the State in which the area of employment is located, or the national farm wage average, whichever is the lesser; *Provided*, That for the purposes of this subparagraph a wage offer equivalent to 10 cents per hour above the highest wage rate prevailing during the last



previous season in which Mexican workers were employed in the area and in the activity involved, shall be deemed to fulfill the requirements of this subparagraph: *Provided further*, That in no event shall Mexican workers be permitted to be employed by any employer who is paying domestic workers less than he offers and pays Mexican workers for the activity in the area."

"Sec. 2. Sections 504 through 509 of the Agricultural Act of 1949, as amended, are renumbered sections 505 through 510, respectively. The reference to section 507 in section 508, renumbered as section 509, is changed to section 508."

(Mr. COAD asked and was given permission to revise and extend his remarks.)

Mr. COAD. Mr. Chairman, this amendment, which is probably the most comprehensive of any of the amendments which were involved in H.R. 6032, is a matter of very great importance in actually raising the wage scale for our domestic farmworkers. What it says is that the wage level to be paid either to the braceros who come from Mexico to work or to the domestic laborers who may be employed is to be the prevailing State wage level or the national wage level, whichever is less. For those States which are considerably below either the State or the national wage level it would be a requirement for them to raise their wage rate 10 cents per year. In the case of a State such as Texas which is paying a little more than 72 cents they would not be required to raise it all the way to 97 cents which is the national average.

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. RYAN].

(Mr. RYAN asked and was given permission to revise and extend his remarks.)

Mr. RYAN. Mr. Chairman, I wish to discuss the Mexican farm labor importation program from the point of view of city people. Some of my colleagues might wonder what a Congressman representing a district in the heart of the largest city in the world has to do with a program which imports over 300,000 Mexicans principally into five States remote from my city and State. But this program concerns my district very directly.

First of all, the Mexican farm labor importation program concerns my district because we are shocked at the idea of "importing" human beings. A nation imports goods. A civilized nation does not "import" people as if they were inanimate objects. The virtual peonage to which Mexicans are subjected when they enter this country to help harvest our crops to feed our people is a disgrace to a civilized nation. And it is because they are peons that they are imported. They are docile, dependent, intimidated. They are not a free labor force of which our free Nation can be proud.

Second, the peonage of the Mexican farmworkers is degrading to them and to our own American farmworkers. Our own farmworkers being free men and women are unable to compete with this imported captive labor force. They cannot and should not work for 50 cents an hour. Being free men and women they refuse to do so. If an adequate mini-

mum wage were paid, domestic labor would be available. They say, "Give us a decent wage and we will give you a good day's work." This is the quid pro quo they reasonably demand. But this is the quid pro quo which is denied them because the grower says "if you won't work at the conditions we wish, we will get Mexicans to do the job for us." This offends our sense of freedom and human dignity.

Third, I am not persuaded by the argument offered by the proponents of the continuance of the Mexican farm labor program that to reform and curtail the abuses of the program would cause an increase in the price of food and fiber to consumers in cities and throughout the Nation. We are offended that those who make such an argument believe us capable of tolerating pitiful wages and working conditions in order to save a few pennies on our food and clothing bills. We do not really see any evidence to show that food and fiber products would increase substantially in cost if farm wages were increased. The only figures I have seen indicate that a 10-cent-an-hour wage increase for workers employed on cotton would increase an entire family's yearlong supply of cotton goods by only 50 cents. A 10-cents-an-hour increase in the wages of sugar workers would result in an increase of one-fiftieth of 1 percent per pound of sugar to consumers. These are not amounts which frighten us. Furthermore, even if the cost were more, we do not believe that city consumers should benefit from the exploitation of laborers in the fields of this country.

Therefore, remote as the 20th District of New York is from the fields of Texas, New Mexico, California, Arizona, and Arkansas, I say that we are affected by the abuses of the Mexican farm labor program. I believe that the serious and well-documented abuses should be remedied, and I urge the adoption of the amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. GUBSER].

(By unanimous consent, Mr. HOEVEN yielded his time to Mr. GUBSER.)

Mr. GUBSER. Mr. Chairman, I rise in opposition to the amendment, and to reiterate a point I made earlier, namely, that the bracero program escalates domestic wages rather than depressing them.

I do not care where you get all your figures. I have seen this actually work in operation. Here is the way it works.

A farmer does not want to hire a bracero because he is a lot of trouble. You have to take one of them to the doctor almost every day; you must house them, feed them, transport them. They are extra expense and extra trouble. When you hire them you submit to harassing and time-consuming regulations. So you willingly pay 5 or 10 cents an hour more to get a good domestic worker. We all prefer to do that.

Now, wage surveys are conducted to determine the prevailing domestic wage. Braceros are not surveyed; only domestic workers. The survey finds the increase of 5 or 10 cents per hour and under

the law the bracero must be brought up to an equal rate. Then the cycle starts all over again, and the farmer who prefers domestic labor, as we all do, pays 5 or 10 cents more. The practical effect of this program is that it escalates domestic wages rather than depressing them. Therefore I think the amendment should be defeated because it is not necessary and is based upon a false major premise.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. HAGEN].

Mr. HAGEN of California. Mr. Chairman, the language of the pending amendment is illustrative of the poor draftsmanship which typifies all of these amendments. It is my personal belief they were rather hastily drawn. This provision, for example, would determine the wage of braceros in the job categories in which they are permitted to work by a comparison with a composite farm wage, which would include the salary of a farm manager and all other categories of employees of farmers, including even bookkeepers. Under this formula there would be a distortion of the wage picture relating to the wages for work that braceros are permitted and qualified to do by relating their wage to a composite farm wage. This is illustrative of the problems of attempting to handle by indirection a problem of minimum wage.

The CHAIRMAN. The Chair recognizes the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if you will refer to page 5 of the report on this legislation you will see what the situation is with respect to the increase in wage rates on American farms. I will read from this report:

Farm wages in U.S. agriculture have increased steadily. In 1950 the index of farm wages published by the U.S. Department of Agriculture was 432 (the index for the years 1909 to 1914 equaling 100).

In 1960 the index had risen from 432 to 629, an increase of 46 percent in a 10-year period of time.

Mr. Chairman, this is one amendment which we should consider very carefully. It provides you will have an increase of 10 cents an hour in wage rates for domestic workers. You write that in each year, year by year there is an increase of 10 cents an hour, or the wage rate across the State or across the Nation whichever is the lower. You will have that increase, whatever the increase is, across the Nation or across the State. It at least would be 10 cents an hour each year from here on out. My colleagues, I ask you to vote down this amendment.

The CHAIRMAN. The Chair recognizes the gentleman from California [Mr. COHELAN].

Mr. COHELAN. Mr. Chairman, a vast amount of evidence accumulated by the Department of Labor proves conclusively that the importation of Mexican labor has had a definite adverse effect on the wages offered to American labor. The following facts, based on wage surveys made by the Labor Department's Bureau of Employment Security and requested



by the signers of this report, are to the point:

1. Hourly wage rates, without room and board, reported by the U.S. Department of Agriculture rose about 16 percent from 1953 to 1959, but Labor Department surveys show that wages in most areas and activities employing Mexicans remained relatively stable. Fifty percent of the studies show no significant change in rate, from earlier to later years within this period, 32 percent show an increase, and 18 percent show a decline. Declines would not be expected to occur in labor shortage situations.

2. In 43 percent of the cotton harvest wage surveys in Mexican-using areas compared within the 1953-59 period, wage rates remained stable; and in 32 percent declines were reported.

3. A study of 1960 trends shows that in 52 percent of the cotton harvest wage surveys in important Mexican using areas, wage rates remained the same as in 1959, while 28 percent declined. Most Mexican Nationals are employed in the cotton harvest.

4. In some sections of Arizona, wage rates in the cotton harvest have remained virtually unchanged from 1953 to 1960, and in other areas of the State, cotton wage rates have dropped 50 cents per hundredweight.

5. In Mississippi County, Ark., wage rates for cotton picking were virtually unchanged from 1953 to 1960, despite the fact that the USDA hourly rate for the State as a whole rose 28 percent. (This area uses 11,000 Mexican braceros.)

6. Phillips County, Ark., had an hourly cotton chopping rate for domestic workers of 30 cents in June 1954. Although the average rate in June 1960 was 37 cents, rates as low as 30 cents were still being paid. Mexicans are paid contract rates of 50 cents. The USDA average hourly rate for Arkansas was 69 cents in July 1960.

7. In Texas and Arkansas widespread declines occurred between 1959 and 1960 in cotton harvest rates (pulling in Texas and picking in Arkansas). Typically, the decline was from \$1.75 to \$1.50 per hundredweight in pulling (Mexicans are paid the contract rate of \$1.55), and from \$3 to \$2.50 per hundredweight in picking. A notable exception resulting from Department of Labor action under earning policies, occurred in the Lower Rio Grande Valley, where the picking rate rose from \$2.30 to \$2.50. But this followed a period of several years in which there had been no change in rate until 1959, when, also by virtue of Labor Department action, the rate rose from \$2.05 to \$2.30.

8. In the Imperial Valley of California, wage rates remained unchanged at 70 cents an hour between 1951 and 1959. Recently the average hourly rate has increased to ninety cents an hour. Nevertheless, this rate is about 35 cents below the average for the State as a whole. (The Imperial Valley is a bracero-dominated area.)

This is just some of the evidence accumulated by the Department of Labor. There is much more. For example, Department of Labor studies have shown that in many areas growers who hire foreign labor tend to pay lower wage rates to the Americans they hire than growers who hire American labor exclusively. Even more important, the Labor Department has found that Mexican braceros are employed at approximately 20,000 skilled, semi-skilled, and year-round occupations.

At a time when American farmworkers are the victims of a high degree of underemployment and unemployment, the employment of foreign workers in these jobs is a disgrace. It is difficult

to imagine, in an employment situation such as this, by what set of mental gymnastics bracero using growers can justify the employment of foreign workers in skilled occupations. It is true that Public Law 78, as it is presently written, does not specifically limit the employment of Mexican labor to unskilled occupations, but it is our contention that it was the intent of Congress to so limit their employment. The use of Mexicans for skilled work reduces the opportunities of domestic farmworkers to advance from unskilled to higher paid skilled jobs and tends to lower the wage levels of domestic farmworkers employed in skilled occupations.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Iowa [Mr. COAD].

The amendment was rejected.

Mr. COOLEY. Mr. Chairman, I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose, and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, had come to no resolution thereon.

Mr. HALLECK. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. While the Committee of the Whole was considering the bill H.R. 2010, a unanimous consent request was granted to limit all debate on the bill and all amendments thereto to 4:15 this afternoon. In the meantime, the Committee has risen. My parliamentary inquiry is, in view of the fact the time limit was set at 4:15, which is some 25 minutes from now, does not that mean that debate tomorrow will be limited to 25 minutes?

The SPEAKER. It means, unless there is another consent agreement, that there will not be any more debate.

Mr. HALLECK. There will be no more debate?

The SPEAKER. Not unless there is an agreement to extend the time.

Mr. HALLECK. A further parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HALLECK. Could that agreement be had except by unanimous consent?

The SPEAKER. The Chair does not think so. It would require unanimous consent.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I merely propounded a parliamentary inquiry.

Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. HALLECK. This situation is a little unusual, because many of us had been given to believe, and we had every

reason to believe, that this bill would be concluded today. If it takes unanimous consent to have further debate tomorrow, I would rather suspect there would be no more debate tomorrow. My suggestion, therefore, is, the Committee having risen, that we go ahead and complete action on the bill.

The SPEAKER. There were reasons for asking the gentleman from North Carolina to move that the Committee rise now. The Chair asked the gentleman from North Carolina to move that the Committee rise.

Mr. HALLECK. The limiting of debate to 4:15 was for everybody's convenience, as I understood the situation. There will be a straight motion to recommit from our side. Then the vote will be on the passage of the bill. No amendment has been adopted. I did not expect any would be adopted, and we could have disposed of the bill with not more than one record vote.

Mr. COOLEY. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield.

Mr. COOLEY. I certainly thought we would complete the bill this afternoon, but a situation has arisen that made it necessary for the Committee to rise. I thought, just as did the gentleman from Indiana, that we could finish the bill tonight.

Mr. HALLECK. I, of course, would not raise the question at all if it had not been for the 4:15 limitation. I realize this is a matter of personal concern to many Members with whom I am in sympathy.

The SPEAKER. If the gentleman from North Carolina so desires, he might submit a request now for 25 minutes debate on the bill tomorrow.

Mr. COOLEY. I personally do not desire to have the matter debated further, so personally I do not want to ask for 25 minutes additional debate.

Mr. SANTANGELO. Mr. Speaker, reserving the right to object—

The SPEAKER. There is nothing before the House. The Chair has merely suggested to the gentleman from North Carolina that he could ask unanimous consent now that there be 25 minutes debate tomorrow.

Mr. COOLEY. Mr. Speaker, I have not heard anyone ask for the right to speak on tomorrow. I would not want to cut anyone off.

Mr. SANTANGELO. Mr. Speaker, I ask unanimous consent to proceed for 1 minute.

The SPEAKER. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. SANTANGELO. Mr. Speaker, at the time the chairman of the committee moved to terminate debate I asked him to extend the time because I have an amendment at the desk which I think is very important. I have been foreclosed by the motion to rise. At this time I ask unanimous consent that on tomorrow we continue debate for 25 minutes.

The SPEAKER. Is there objection to the request of the gentleman from New York?



Mr. HOEVEN. Mr. Speaker, reserving the right to object, in view of the circumstance that the bill has been very well debated and the amendments, as I understand it, may be presented in order without further debate, I am compelled to object.

Mr. SANTANGELO. Mr. Speaker, will the gentleman withhold his objection?

The SPEAKER. The gentleman from New York has the floor. The gentleman reserved the right to object and then did object. If the gentleman from Iowa desires, he may withhold his objection and yield to the gentleman from New York.

Mr. WILSON of Indiana. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WILSON of Indiana. The Chair has asked the gentleman from Iowa if he will withhold his objection and yield to the gentleman from New York. The gentleman from Iowa objected, and therefore I withheld my own objection. He cannot withdraw his objection. He objected. Therefore an objection has been made.

Mr. COOLEY. The gentleman from Iowa is now withholding his objection.

The SPEAKER. The gentleman from Iowa has not said anything to the Chair about that.

Mr. HOEVEN. Mr. Speaker, at the request of the Chairman, the gentleman from Iowa reserves his right to object.

Mr. WILSON of Indiana. Mr. Speaker, I object.

Mr. COOLEY. Mr. Speaker, I ask unanimous consent that the gentleman from New York may proceed for 1 additional minute.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina.

There was no objection.

Mr. COOLEY. I want to say to the gentleman from New York that I know he has acted in the utmost good faith. I want to say to him that I had no idea of objecting to this debate continuing. I thought it would continue, and I am perfectly willing for the gentleman to be heard on the amendment. I just want to say I am not the one responsible for making the objection to his being heard.

Mr. SANTANGELO. Mr. Speaker, I do not hold the gentleman responsible.

Mr. Speaker, I move at this point that on tomorrow we have 25 minutes of debate to complete the pending amendment.

The SPEAKER. The gentleman's motion is not in order.

#### PER DIEM ALLOWANCE FOR GOVERNMENT EMPLOYEES

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 283, Rept. No. 385), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3279) to increase the maximum rates of per diem allowance for employees of the Govern-

ment traveling on official business, and for other purposes, and all points of order against said bill are hereby waived. After general debate, which shall be confined to the bill and continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the committee shall rise and report the bill to the House with such amendments as may have been adopted and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### THE ESTABLISHMENT OF AN OFFICE OF INTERNATIONAL TRAVEL AND TOURISM

Mr. SISK, from the Committee on Rules, reported the following privileged resolution (H. Res. 284, Rept. No. 386), which was referred to the House Calendar and ordered to be printed:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 4614) to direct the Secretary of Commerce to take steps to encourage travel to the United States by residents of foreign countries, to establish an Office of International Travel and Tourism, and for other purposes. After general debate, which shall be confined to the bill, and shall continue not to exceed 2 hours, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Interstate and Foreign Commerce, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit.

#### DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATION BILL, 1962

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that it may be in order to consider on Wednesday next, May 17, the Labor and Health, Education, and Welfare Departments appropriation bill for 1962. I am making this announcement at the request of the chairman of the Committee on Appropriations.

Mr. GROSS. Mr. Speaker, reserving the right to object, will the report on the bill be available? The hearings are available. Will the report on the bill be available prior to that time?

Mr. McCORMACK. Yes, they will have to be.

Mr. GROSS. No; they do not have to be.

Mr. McCORMACK. Well, I will see that they are.

Mr. YATES. Mr. Speaker, if the gentleman will yield, I understand that the full committee is meeting Monday morning to consider this bill.

Mr. McCORMACK. I so understand.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

Mr. MICHEL reserved all points of order on the bill.

#### INCOME TAX LEGISLATION

(Mr. LANE asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LANE. Mr. Speaker, as part of my remarks I include a statement made by me before the House Committee on Ways and Means May 9, 1961, in support of H.R. 5601, "To provide for income tax purposes new property may be depreciated over a 5-year period."

Mr. Chairman, and members of the committee, it has come as a shock to most Americans that the United States which for many years was considered to be the world leader in economic enterprise, has actually fallen behind several other nations in the rate of its growth.

Modernized industries in Western Europe and Japan are selling their goods in the domestic market of the United States, and after discounting the effects of wage differentials and tariffs, we must concede that in some cases they are offering a better product. Coincident with this, we are concerned about the number of American firms that are establishing plants overseas. Their purpose is not only to compete in foreign markets, but to escape the smothering effects of our antiquated tax program.

The profits of these migrating firms are not taxed until they are returned to the United States. Corporations get around this by building new plants or by expanding facilities in foreign countries, because most countries levy no taxes on profits when they are used in this way.

Walter Lippmann in his March 30, 1961, column in the New York Herald Tribune referred to the problem which is central to almost all others: " \* \* \* the problem of overcoming the sluggishness which has characterized the American economy since the end of the Korean war."

The Harvard Business Review of November-December 1960 asks: "Do outmoded tax policies threaten to send the U.S. 'superior industrial machine' to the junk pile? Do American producers compete at a disadvantage with foreign firms, which operate under more progressive depreciation policies than our own?"

The Review believes that the Federal Government should "move toward the goal of allowing business sufficient deductions before taxes to replace its wornout or noncompetitive equipment of today's cost \* \* \* not at what it cost 15 or 20 years ago under completely different conditions."

I will describe one example which illustrates the slowdown effect of inadequate depreciation allowances upon American enterprise.

The Lithographers & Printers National Association represents an industry composed of thousands of medium and small lithographers and printers throughout the United States. The industry employs over 300,000 people, and some 28,000 companies, excluding newspapers, are involved. The president of the association has informed me that: "We are especially handicapped by the long periods of time over which we are required to write off the costs of heavy equipment. A classic example is a printing press installed in 1935 at a cost of \$31,400. To replace it in 1958, 23 years later, an investment of \$128,000 was required."

"Even conceding that the replacement was technologically improved, and more produc-



tive than the old one, the cost of the new press was four times the cost of the old one \* \* \* an obvious hardship on the taxpayer."

Tax deductions spread over shorter periods of depreciation would release capital for reinvestment, and open the way for unlimited economic growth.

In order to provide such incentives, I ask favorable consideration of H.R. 5601, the bill I have introduced "To provide that for income tax purposes, new property may be depreciated over a 5-year period."

#### AID TO EDUCATION

(Mr. DERWINSKI asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and to include extraneous matter.)

Mr. DERWINSKI. Mr. Speaker, since we have before us numerous proposals in the field of education, all of which would have an effect on the present State administration of our public school system, I was pleased to receive a copy of House Joint Resolution 6, adopted by the 72d General Assembly of the State of Illinois on March 7 of this year, which I submit for your study.

This resolution urges the Congress to enact legislation allowing a tax deduction for all tuition, whether paid to a public or private school, from the elementary to the university level. Furthermore, the resolution specifically states opposition to any other form of Federal aid to education and contains a very clear, firm and vigorous statement maintaining the inherent rights of the States and our home communities in the field of education.

However, one other important point in this resolution should be noted for your consideration. It displays the bipartisan approach of the Illinois General Assembly, since the House of representatives in Illinois is controlled by the Democrat Party, and this resolution was overwhelmingly adopted in committee and on the floor of the House.

Therefore, I call to the attention of the Democrat Party New Frontiersmen that their stable party brethren in the Illinois General Assembly are in support of aid to education in the sound manner that we have used in developing our schools into the great educational system that we have. I would hope that the New Frontier spenders here in Washington place a little faith and confidence in local school boards in the respective States to meet the educational challenges as they have so nobly performed in the past.

Whereas it is undisputedly recognized that there is an urgent need to expand our schools and colleges, both public and private, to provide our exploding school-age population with the best possible education; and

Whereas private schools should be encouraged in their efforts to attract students in order to lighten the burden which will fall upon the taxpayer for the enormous expansion of State-supported schools and colleges; and

Whereas private schools and colleges should be allowed to compete on a more equal basis with tax supported schools and colleges; and

Whereas the citizen who pays taxes to meet all or a large portion of the tuition for students who attend public schools and State

universities is allowed to use such tax payments as a deduction in reporting his Federal income tax but is denied such tax deduction for tuition paid private schools and colleges to which he may elect to send his children; and

Whereas the Federal Government is now considering some form of aid to education and also the possibility of some tax relief to stimulate the national economy; and

Whereas by making all tuition a tax deduction, whether paid to a public or private school, the Congress would be providing an effective form of Federal aid to education without any risk of Federal control of education; without the diluting process of having such aid filtered through Washington; and would, at the same time, be providing a stimulant to the economy by this form of tax relief: Therefore be it

*Resolved, by the House of Representatives of the 72d General Assembly of the State of Illinois, (the Senate concurring therein),*  
(1) That the Congress of the United States be memorialized to enact legislation allowing a tax deduction for all tuition, whether paid to a public or fully accredited not-for-profit private school, or to any fully accredited college or university and, in addition, allowing parents a tax deduction of \$1,500 for each child or dependent they may send to any fully accredited college or university.  
(2) That this resolution does not constitute an approval of any other form of Federal aid to education.  
(3) That suitable copies of this resolution be forwarded by the Secretary of State to the President of the United States and the Members of Congress from the State of Illinois.

Adopted by the House, March 7, 1961.

PAUL POWELL,

Speaker, House of Representatives.

CHAS. F. KERWIN,

Clerk, House of Representatives.

Concurred in by the Senate, March 22, 1961.

SAMUEL H. SHAPIRO,

President, of the Senate.

EDWARD E. FERNANDES,

Secretary of the Senate.

#### UNFORTUNATE PUBLISHED FALSE RUMORS

(Mr. SCHWENGEL (at the request of Mr. WALLHAUSER) was given permission to extend his remarks at this point in the RECORD.)

Mr. SCHWENGEL. Mr. Speaker, on the anniversary of the birth of our 18th President of the United States, Ulysses Simpson Grant, I had the privilege of addressing those who saw fit to gather at the Grant Monument at the foot of Capitol Hill on this date to honor this great patriot.

It seemed appropriate to direct my remarks to the bearers of false rumors which plagued General Grant's career and are now being visited upon his grandson. Since that time considerable interest has been indicated in what I had to say, and because it was not possible for many of the Members of Congress to be present, I would like to have this brief speech appear in the CONGRESSIONAL RECORD so that they can read it. Under leave to extend my remarks, I include it at this point:

#### UNFORTUNATE PUBLISHED FALSE RUMORS

(By FRED SCHWENGEL)

About 100 years before the time of Christ, Titus Maccius Plautus, a dramatist and poet of the Roman Empire, whispered an epigram

into the ear of posterity. His observation—"Where there's smoke there's fire"—has since become the slogan of human credulity. Ever since that day, and, in fact, through all recorded history, rumor has played an important part, sometimes a vicious one, in the story of man's strivings.

In all history, the sagas of human deeds, the chronicles of man's waking thoughts, his dreams of boundless hope, and his excuses in the hour of defeat, are closely woven with threads of falsehood and rumor. Rumor transfigures and exploits simple human fancies. Human belief is artfully perverted by rumormongers motivated by greed, envy, and hatred.

The pattern of rumor and the speed with which it travels are so insidious that journalists, and even the most objective scholars, are sometimes led astray. Too few have had the integrity of Sir Walter Raleigh, who, when imprisoned in the Tower of London, was writing the second part of his History of the World. It is said that one day his work was interrupted by the noise of a fight in the courtyard below his cell. Through the barred windows, Raleigh carefully watched each detail of the incident. The following day he was visited by a friend who had been in the brawl.

Upon discussing the event, Raleigh discovered that his own version of the fray was incorrect throughout. Realizing that he was unable to present an accurate account of one little incident, Raleigh abandoned the writing of his History of the World and, in disgust, destroyed the manuscript.

As rumors spread by word of mouth they tend to grow and intensify. Once sheltered in the pages of newspapers or between the boards of books, they become almost immutable as they pass from generation to generation. Efforts to dispel rumors and lies have been many. Often they have resulted only in confusion.

In every individual, as in his father and grandfather before him, are concealed elements of hope and defeatism, complacency and anxiety, social responsibility and personal self-interest. The compounded proportions of these elements define the scope of man's ability to compare information. They limit human judgment to the extent that man is seldom able to evaluate the truth or falsehood of the rumors that come to his ears.

Governments have recognized that rumors and their ugly effects have a deleterious influence upon individuals and upon the Nation as a whole. During World War II our Government conducted a campaign urging our citizens to refrain from spreading rumors and to guard against being misled by them. The Civil War witnessed many examples of the crippling effect of rumor upon national morale and the efficient prosecution of the war.

Among those who were the object of such vicious attacks was the great American general and statesman we honor here today, Gen. Ulysses S. Grant. For a day or two after the Battle of Shiloh, the newspapers exulted over the great Union victory. Then as the felt the need to supply additional details to their readers, they began to print ugly and false rumors ferreted out by some of the correspondents.

Some Army officers, moved by petty jealousies, and would-be experts moved only by a desire to be heard, contributed to the vicious attack. Grant's absence at Savannah was first questioned, then condemned, then reported as a drunken stupor.

In 10 days the Battle of Shiloh plummeted from a glorious triumph to a shameful disaster. It was given at last the damning military label, surprise. The newspapers seized upon the label with no effort to weigh its importance, with no consideration of any mitigating factor, almost without remembering that the Confederates had not, after all, prevailed.







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For Department  
Staff Only)

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For actions of May 11, 1961  
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**HIGHLIGHTS:** House passed Mexican farm labor bill. Senate concurred in House amendments to bill to authorize temporary reapportionment of pooled acreage allotments.

## HOUSE

1. **FARM LABOR.** By a vote of 231 to 157, passed as reported H. R. 2010, to extend the Mexican farm labor program for 2 years, until December 31, 1963. pp. 7341-4  
Rejected the following amendments:

By Rep. Santangelo to limit the entry of Mexican nationals for use only on farms cultivating, harvesting, and processing food supplies. pp. 7341-2

By Rep. Cohelan to provide that "The number of workers which may be made available under this title shall, effective with the fiscal year beginning July 1, 1961, be reduced by 33 percent of the total made available in the preceding fiscal year and in no event will any worker be made available under this title for employment after June 30, 1964." pp. 7342-3

2. **FOREIGN TRADE.** Rep. Moore charged that "Evidently the U. S. Constitution is a mere scrap of paper rather than the organic law of the land ... the General Agreement on Tariffs and Trade has pushed the Constitution aside." pp. 7362-4

Rep. Stratton stated that "In 1960 exports of wheat amounted to \$1.02 billion while those of cotton came to \$980 million." He said "I think it is time that we stopped fooling ourselves about our 'favorable' trade balance and



instead of talking about imports and exports in terms of dollars, that we look at them in terms of employment and factory use." pp. 7364-5

Rep. Dulski criticized H. R. 6611, to reduce temporarily the exemption from duty enjoyed by returning residents, saying that "I think we should all recognize that the estimated saving in gold outflow of about \$150 million will not carry us too far along this path." pp. 7365-8

3. FARM EMPLOYMENT. Rep. Gubser inserted an article indicating a need for berry-pickers at the same time that several hundred persons were drawing unemployment compensation. p. 7385
4. JUVENILE DELINQUENCY. Received from the President a draft of a proposed bill " ... to provide Federal assistance for projects which will evaluate and demonstrate techniques and practices leading to a solution of the Nation's problems relating to juvenile delinquency control and control of youth offense. or will provide training of personnel for work in these fields"; to Education and Labor Committee. p. 7389
5. FARM LOANS. Received from the Governor of the Farm Credit Administration a draft of a proposed bill "to amend further the Federal Farm Loan Act and the Farm Credit Act of 1933, as amended"; to Agriculture Committee. p. 7389
6. LEGISLATIVE PROGRAM. Rep. McCormack announced that H. R. 6611, to temporarily reduce duty free allowances for returning residents, and H. R. 3279, increasing travel allowances for Federal employees, will be considered Mon. On Tues. the Private Calendar will be called, and on Wed. the Departments of Labor-HEW appropriation bill for 1962 will be considered. pp. 7340-1, 7344, 7345
7. ADJOURNED until Mon., May 15. pp. 7344, 7389

#### SENATE

8. ACREAGE ALLOTMENTS. Concurred in House amendments to S. 1372, to authorize the temporary release and reapportionment of pooled acreage allotments on lands acquired by agencies having the right of eminent domain. This bill will now be sent to the President. p. 7324
9. FOREIGN AID. By a vote of 43 to 36, passed with amendments S. 1215, to authorize economic and financial assistance to any nation or area, except the Soviet Union and Communist-held areas of the Far East, whenever the President determines that such assistance is important to the security of the United States. pp. 7300-14  
Sen. Humphrey inserted and commended a report to the president of the International Bank for Reconstruction and Development by three bankers on the results of a six weeks study of economic conditions in India and Pakistan, including comments on the foreign aid program and agricultural conditions in these two countries. pp. 7277-86
10. EDUCATION. The Labor and Public Welfare Committee voted to report (but did not actually report) with amendments S. 1021, to provide Federal assistance for public school facilities. p. D339
11. FARM INCOME. Sen. Humphrey inserted and commended an article quoting a statement by a leading investment service that the President "will drive hard to improve the economic position of the farmer and he will achieve some success." pp. 7292-3

12. FORESTRY. The Public Lands Subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration S. 1647, to provide for an exchange of federally owned lands (including Forest Service lands) at the Cedar Breaks National Monument, Utah. p. D339  
Sen. Neuberger inserted an article discussing the status and condition of land (including Forest Service land) proposed to be included in the proposed Oregon Sand Dunes Seashore. p. 7257  
Sen. Morse inserted two resolutions adopted by the Ore. Legislature favoring enactment of legislation to provide for a youth conservation corps and to provide for an expanded program for the construction and development of forest access roads. pp. 7296-7
13. MARKETING. Sen. Javits inserted an address, "Are People the Diminishing Ingredient In The Future Marketing System?" which he stated "explains magnificently the genius of our country in respect to stimulating mass consumption as well as mass production." pp. 7254-6
14. NOMINATION. The Banking and Currency Committee reported the nomination of William L. Batt to be Area Redevelopment Administrator in the Department of Commerce. p. 7274
15. LEGISLATIVE PROGRAM. Sen. Mansfield stated that S. 1021, Federal assistance for public school facilities, will be considered next Tues. pp. 7292-7314
16. ADJOURNED until Mon., May 15. p. 7338

ITEMS IN APPENDIX

17. TAXATION. Extension of remarks of Sen. Capehart inserting an article, "The Need for Tax Reform." pp. A3301-2
18. FARM PROGRAM. Extension of remarks of Rep. Kyl stating that the farm legislation now pending before the Agriculture Committee is the "most comprehensive and far reaching ever considered in a single proposal covering this industry," and inserting excerpts from an article expressing concern about certain provisions of the bill. pp. A3304-5  
Extension of remarks of Rep. Derwinski inserting an article and stating that it "discusses an aspect of Secretary of Agriculture Freeman's farm strangulation program." p. A3310  
Extension of remarks of Rep. Ullman inserting a Morrow County (Oregon) Grain Growers letter indicating support for the Administration's proposed farm bill. pp. A3346-7
19. FARM LABOR. Speech in the House by Rep. McCormack during debate on H. R. 2010, the Mexican farm labor bill. pp. A3306-7
20. SURPLUS PROPERTY. Extension of remarks of Rep. McCormack inserting Secretary Ribicoff's report showing surplus property allocated to the States for purposes of education, health and civil defense. p. A3313
21. URBAN AFFAIRS; HOUSING. Extension of remarks of Sen. Clark inserting an editorial in support of the proposed Dept. of Urban Affairs and Housing. p. A3316
22. DEPRESSED AREAS. Extension of remarks of Rep. Stafford inserting an article, "Will It Hurt Or Help?" discussing Rep. Conte's vote against the depressed areas bill. pp. A3317-8



23. FORESTRY. Extension of remarks of Rep. Stratton inserting an article, "The Speculator Tree Farm -- A Major Adirondack Landowner Becomes A Cooperator Under The Fish And Wildlife Management Act." p. A3355
24. POULTRY; TRADE BARRIERS. Rep. Harrison inserted an editorial critical of certain foreign trade policies particularly as they apply to poultry products. p. A3339
25. WATER POLLUTION. Speech in the House by Rep. Halpern during the debate on H. R. 6441, the water pollution control bill stating that he is "pleased to be identified with this vital legislation." pp. A3342-3
26. EXPENDITURES. Extension of remarks of Reps. Pelly and Hall criticizing so called "Back Door Spending." pp. A3345, A3354-5
27. PURCHASING; DAIRY INDUSTRY. Extension of remarks of Rep. Steed and insertion of an address by the deputy administrator of the Small Business Administration explaining SBA procurement policy and its effect in the dairy field. pp. A3353-4

#### BILLS INTRODUCED

28. TRANSPORTATION. S. 1839, by Sen. Magnuson (by request), to amend sections 216(c) and 305(b) of the Interstate Commerce Act, relating to the establishment of through routes and joint rates; to Commerce Committee. Remarks of author. pp. 7233-4  
S. 1840, by Sen. Magnuson (by request), to amend section 1(14)(a) of the Interstate Commerce Act to insure the adequacy of the national railroad freight car supply; to Commerce Committee. Remarks of author. pp. 7233-4
29. RESEARCH. S. 1854, by Sen. Allott (for himself and Sen. Carroll), to provide for the establishment of a moisture conservation research center at the Federal land-grant college at Fort Collins, Colo.; to Agriculture and Forestry Committee.  
H. R. 7005, by Rep. Coad, to provide for the establishment of a farm electrification research laboratory; to Agriculture Committee.
30. FOREIGN TRADE. S. 1830, by Sen. Bridges (for himself and others), to amend the Tariff Act of 1930, as amended, to permit the free flow of commerce; to Finance Committee.
31. ETHICS. S. 1843, by Sen. Carroll (for himself and Sen. Hart), to authorize the President to establish and enforce ethical standards for the conduct of the business of the executive branch of the Government; to Government Operations Committee. Remarks of Sen. Carroll. p. 7231
32. HEARING PROCEDURES. S. 1844, by Sen. Carroll (for himself and Sen. Hart), to establish standards of conduct for agency proceedings of record; to Judiciary Committee. Remarks of Sen. Carroll. pp. 7235-7
33. TOBACCO. S. 1853, by Sen. Cooper, relating to duty-free imports of Philippine tobacco; to Finance Committee.
34. NATIONAL FLOWER. S. J. Res. 87, by Sen. Douglas (for himself and others), designating the corn tassel the national floral emblem of the United States; to Judiciary Committee. Remarks of Sen. Douglas. pp. 7239-40



nation as to what bills, if any, are to be called up on Monday next would be within the province of the Speaker.

Mr. McCORMACK. Exactly.

Mr. HALLECK. What I have suggested does not involve anything at all in respect to the scheduling of bills because, as I say, that is for the Speaker to determine, and whether or not there has been any firm determination about any of them, I do not know. Some have been suggested to me; but, all I am suggesting, and I appreciate the majority leader going along with the suggestion, is that if there are record votes on Monday, and there might be none, but if there are that they go over until Wednesday.

Mr. McCORMACK. I will say further in answer to the inquiry of the gentleman from Iowa, I have not conferred with the Speaker yet as to which bills he has decided would come up under suspension on Monday. There was one bill that was going to come up, but it has been postponed and will not come up—that is the so-called Keogh bill.

Mr. GROSS. I was going to ask if that bill was coming up.

Mr. McCORMACK. It was going to be programed, but now it is not going to come up from what I understand. I know of only one other bill. Also, the gentleman from Florida [Mr. FASCELL] spoke to me this morning and I told him to see the Speaker about three bills that were reported out of the Committee on Foreign Affairs. I asked if there was any controversy about those bills and he said, "No." Of course, we always ask that question because we try to be as careful as possible on that score so that bills called up under suspension would be only such bills where there is no great controversy unless it is a matter of emergency. That is about the best answer I can give to the gentleman.

Mr. GROSS. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts [Mr. McCORMACK] that any rollcall votes on Monday and Tuesday, other than on a rule, go over to Wednesday?

There was no objection.

#### SUBCOMMITTEE ON ELECTIONS

Mr. McCORMACK. Mr. Speaker, at the request of the gentleman from South Carolina [Mr. ASHMORE], I ask unanimous consent that the Subcommittee on Elections of the Committee on House Administration may be permitted to sit during general debate today.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

#### CALL OF THE HOUSE

Mr. TEAGUE of Texas. Mr. Speaker, I make the point of order that a quorum is not present.

Mr. HALEY. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER. Evidently, no quorum is present.

Mr. McCORMACK. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The roll was called, and the following Members failed to answer to their names:

[Roll No. 52]

Alford	Donohue	Macdonald
Ashbrook	Dooley	Morrison
Becker	Downing	Mosher
Blitch	Durno	O'Hara, Mich.
Boggs	Edmondson	O'Neill
Bolling	Finnegan	Powell
Bonner	Fino	Rains
Boykin	Ford	Riley
Breeding	Gavin	Roberts
Buckley	Gray	Rogers, Tex.
Cederberg	Hays	Slack
Celler	Hébert	Thompson, La.
Chamberlain	Henderson	Van Pelt
Chelf	Inouye	Walter
Conte	Kearns	Wharton
Curtis, Mo.	Kelly	Whitener
Dawson	Keogh	Willis
Dent	Knox	Winstead
Devine	Libonati	Zelenko

The SPEAKER. On this rollcall, 374 Members have answered to their names, a quorum.

By unanimous consent, further proceedings under the call were dispensed with.

#### COMMITTEE ON SCIENCE AND ASTRONAUTICS

Mr. BROOKS of Louisiana. Mr. Speaker, I ask unanimous consent that the House Committee on Science and Astronautics may have until midnight Saturday to file a report to accompany the bill H.R. 6874.

The SPEAKER. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### CONTINUATION OF MEXICAN FARM LABOR PROGRAM

The SPEAKER. The gentleman from North Carolina [Mr. COOLEY] is recognized.

Mr. COOLEY. Mr. Speaker, in view of the extraordinary situation in which the House found itself on yesterday, I ask unanimous consent that when the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2010, that each of the authors of the two pending amendments now on the Speaker's desk may be given 2 minutes to present their amendments and that the committee be given 2 minutes in opposition.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from Iowa.

Mr. GROSS. What happens to the allocation of other time other than on the amendments?

Mr. COOLEY. We have no other time.

Mr. HALLECK. Mr. Speaker, reserving the right to object, how many amendments does this request cover?

Mr. COOLEY. I understand there are only two amendments now at the desk.

The SPEAKER. Is there objection to the request of the gentleman from North Carolina?

There was no objection.

Mr. COOLEY. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The motion was agreed to.

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill H.R. 2010, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

Mr. SANTANGELO. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SANTANGELO: After line 5, insert the following:

"SEC. 2. Section 507(1) of such Act is amended (1) by striking out 'cotton ginning', and (2) by inserting before the period at the end thereof the following: 'Provided, That such term does not include any services or activities performed with respect to commodities or products which are not to be used for food supplies.'"

(Mr. SANTANGELO asked and was given permission to revise and extend his remarks.)

Mr. SANTANGELO. Mr. Chairman, I am grateful that the House has given us an opportunity to discuss the amendments after last evening's parliamentary confusion. This opportunity for a frank, but limited discussion, restores my confidence and faith in the integrity of congressional agreement to have full debate.

My amendment would permit the use of braceros only for farms cultivating, harvesting, and processing food supplies. My amendment would prevent the authorization of the entry of Mexican nationals for farm labor in cotton.

The joker in H.R. 2010 which no one has noticed and which nobody wants to talk about is that 60 percent of the Mexican nationals or 60 percent of the braceros work on the cotton farms. The great bulk of these braceros work in two States, Texas and Arkansas. Some work in California, Arizona, and New Mexico. Since this program started, the number of braceros has risen from 107,000 to 437,000 in 1959. In 1960, it was 315,000; 60 percent of these Mexican nationals are working on cotton farms and not on food farms which are producing the lettuce, the tomatoes, the grapes, the legumes. These are the perishables, and from my investigation, these are the farms which need braceros. Not so with cotton farms because they can mechanize it and do not need these braceros.

Read the report on this bill and you will find no specific justification for continuing the bracero program on the cotton farms. You will only find a plea and a justification for braceros on the food farms. Does it make any sense to import Mexican braceros to produce a crop which is in surplus, which costs our Government millions of dollars in price supports and which we must subsidize when we export cotton to meet foreign



competition? What is the cost to us in the United States to increase cotton production? Last year the Commodity Credit Corp. paid a total of \$31.9 million for storage of cotton alone. CCC paid to the farmers in fiscal year 1960 for cotton \$1,425 million, and realized a loss in the price support program of \$212 million. Our Government subsidized cotton exports to the extent of \$253 million in 1960. In 1961, the Government is increasing the export subsidy and that it is estimated that cotton production will exceed our domestic needs by over 7 million and this will cost the U.S. Government in export subsidies an additional \$325 million. We need for domestic consumption approximately 8 million bales of cotton, and it is estimated that the cotton farmers will produce from 13 to 15 million. The new export subsidy will be 8½ cents a pound to compete in the world markets. Because we are exporting over 200 thousand braceros to work on the cotton farms, we are causing and bringing about a surplus, whose cost of storage costs and distribution costs, must be met by the taxpayers of America.

I want to make one fact crystal clear. As a result of my inspection in California and in Arizona, and in my investigation on the Appropriations Subcommittee of Agriculture, I can state without fear of being successfully contradicted that the wages in California are reasonable, that the braceros are needed there for the harvesting, the processing, and the production of food supplies. In my opinion, there is no need for braceros on the cotton farms which serves the public interest as well as the private interests of the cotton farmers. The following figures indicate where the bulk of the braceros work. They work in Texas, New Mexico, Arizona, California, and Arkansas. In 1960, Texas used 122,800; California, 113,000; Arkansas, 27,400; Arizona, 19,300; and New Mexico, 10,400. The bracero program has served a need. It has had harmful effects upon the American economy by depressing wages of the domestic workers. It is causing our gold supply to leave this country to the extent of \$120 million a year, which the Mexican workers earn on American farms. It is costing the Government approximately one-half billion dollars a year to obtain a surplus in cotton.

For these simple and substantial reasons, the bracero program should be discontinued in the production of cotton on American farms. I trust this amendment will pass.

Mr. GATHINGS. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, if the amendment offered by the gentleman from New York were approved by this body it would really amount to punitive action against a great segment of American agriculture.

I wish the gentleman from New York had come before our subcommittee and discussed his amendment. I wish he had come before the full committee and given us his views. He did not appear and urge for any such amendment as this.

The gentleman from New York wants the braceros to be used for one type of

program and not for another. It is essential that we do have the necessary labor supply for use in the cultivation and harvest of fruit crops as well as fiber crops.

Mr. SANTANGELO. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I have too short a time in which to yield; I am sorry.

I wish to say to the gentleman that in August of 1959, 1,100,000 fewer bales of cotton were produced than were needed in this country for domestic use and for export. In 1960 the same situation prevailed; we grew a million fewer bales in 1960 than was necessary for domestic consumption and for export.

Our cotton supply has dwindled in recent years. We have just barely enough to make ends meet now, and we do not have any appreciable cotton surplus.

Mr. POAGE. Mr. Chairman, will the gentleman yield?

Mr. GATHINGS. I yield.

Mr. POAGE. Regardless of the cotton supply situation would not the adoption of the Santangelo amendment be an open invitation to return to the old wetback situation both in the matter of cotton production and fruits and vegetables?

Mr. GATHINGS. That situation would be brought back if this amendment proposed by the gentleman from New York were adopted. In 1953 a million wetbacks were apprehended. Last year there were only a little over 29,000.

I hope the amendment offered by the gentleman from New York will be rejected.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York [Mr. SANTANGELO].

The question was taken; and on a division (demanded by Mr. SANTANGELO) there were—ayes 66, noes 125.

So the amendment was rejected.

Mr. COHELAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. COHELAN, of California: To amend section 509 of title V of the Agricultural Act of 1949, as follows: "SEC. 509. The number of workers which may be made available under this title shall, effective with the fiscal year beginning July 1, 1961, be reduced by 33 percent of the total made available in the preceding fiscal year and in no event will any worker be made available under this title for employment after June 30, 1964."

Mr. COHELAN. Mr. Chairman, the evils inherent in the Mexican farm labor program are apparent to everyone—even to the proponents of H.R. 2010. The very fact that there is no bill before Congress which would make Public Law 78 a permanent part of the American agricultural scene is mute evidence of this truth.

The bill reported by the Agriculture Committee, however, contains no provisions for correcting the abuses of Public Law 78, or for setting a termination date on a program which is supposed to be a temporary measure.

Proponents of this bill claim that American agriculture is dependent upon Mexican labor. What they really mean is that American farmers who use for-

eign labor have been unwilling to offer wages and working conditions which would appeal to domestic farm workers and, therefore, have forced the domestics to look for work elsewhere, or go on public relief. Throughout the years, these growers have come to believe that the Government owes them a labor force.

Only one group, the Farm Bureau and its bracero using satellites, have spoken in favor of H.R. 2010. On the other hand, Protestant and Catholic Church groups, the Secretary of Labor, the AFL-CIO, the National Consumers League and many other organizations of responsible citizens, have testified against this bill.

The same groups have expressed approval for the safeguards proposed by the administration; safeguards which squarely face the implications of Public Law 78. Secretary of Labor Arthur Goldberg, in fact, has warned bracero-using growers that unless they are willing to accept these safeguards, they may find themselves without any extension of Public Law 78 at all.

I for one believe that since the administration's amendments were not adopted, the program should be terminated immediately. The administration's proposals were moderate in their approach. They would have alleviated many of the abuses inherent in Public Law 78 by, first, providing greater protection for domestic workers against adverse effects resulting from the mass importation of Mexican nationals; and, second, clarifying the rules so that the Labor Department may administer the program in a manner equitable to both employers and workers.

It is my opinion, however, that even the administration's position did not get to the roots of the problem. I believe that a further amendment must be offered which would provide for the final termination of Public Law 78. Growers who have become dependent on Mexican labor will never set about solving their problems until they are given notice that the program is running out—until they are informed in no uncertain terms that Mexican farm labor will no longer be available to them.

I have, therefore, introduced an amendment which would phase this program out over a period of 3 years, which would reduce by one-third the number of Mexican nationals available in the preceding year, and which in no event would make Mexican nationals available for employment under this program after June 30, 1964.

The time has come when we should make it public policy to accomplish in agriculture what we have already accomplished in other sectors of our economy—the restoration of respect and dignity based on good wages, good working conditions, and steady employment for the men and women who labor for hire on U.S. farms. The time has come when agriculture, the Nation's largest industry, should seek ways and means of discontinuing its dependence on poverty both at home and in Mexico to satisfy its labor needs.

We will never accomplish this goal until the infamous Mexican farm labor



program is finally put to rest. Only then will economic pressure force bracero using growers to seek and find real solutions to their labor problems.

Mr. COOLEY. Mr. Chairman, I rise in opposition to the amendment offered by the gentleman from California, Mr. COHELAN.

Mr. MORRIS. Mr. Chairman, will the gentleman yield?

Mr. COOLEY. I yield to the gentleman from New Mexico.

Mr. MORRIS. Mr. Chairman, the important question that faces this committee is, Will the amendment offered by the gentleman from California make any more domestic workers, a single one, available to harvest the crops of this Nation? It will not.

Let me tell you what would happen if this amendment were adopted. First, you would have 30 percent fewer farmworkers to harvest the crops. You would cause great economic distress on the part of the small farmers because those farmers hold small allotments. For instance, a farmer with a small cotton allotment cannot buy an \$8,000 one-row cottonpicker to harvest his cotton. He has to do it by hand labor.

In 1958 the farmers of New Mexico spent \$5,000 between January 1 of 1958 and June 1, 1958, in an extensive effort to recruit domestic workers. We went to Oklahoma, we went to Missouri, we went to Texas, we went to Arizona, we scoured the Indian reservations of the State of New Mexico. In all, we interviewed 741 workers. We offered jobs to over 600 of them. We got 120 acceptances. We paid the transportation of 60 of these workers from their homes to New Mexico. They were the only ones of the 120 that showed up to be transported to farms in New Mexico. We paid their way. Five weeks later we only had one worker.

The CHAIRMAN. The time of the gentleman from New Mexico has expired. All time has expired.

The question is on the amendment offered by the gentleman from California [Mr. COHELAN].

The amendment was rejected.

Mr. KOWALSKI. Mr. Chairman, the four consultants appointed by former Secretary of Labor James P. Mitchell to advise him on the operation of Public Law 78 have been attacked by growers and their lobbies, as well as by the Farm Bureau influenced House Committee on Agriculture.

The reason for these attacks is that this group of consultants has the temerity to suggest in their report to the Secretary that citizen farm workers have as many rights as alien contract workers. Such a concept, according to the Farm Bureau Federation and its bracero using friends, is not only presumptuous, it is also un-American.

According to the American Farm Bureau Federation, it should be the policy of the Congress of the United States to provide American corporate growers with as many Mexican nationals as they want—whether they need them or not and with no strings attached. The Farm Bureau also believes that the Congress of the United States should see to

it that a farm placement service is provided for growers at public expense—or rather, at the expense of industrial employers. In other words, the Farm Bureau Federation wants the Congress to pass H.R. 2010.

This bill extends Public Law 78 without any of the safeguards recommended by the consultants to the Secretary of Labor.

Because the consultants report received so little consideration by the House Agriculture Committee, I would like to summarize the unanimous recommendations it contained, recommendations which have been included in H.R. 6032, the administration bill, introduced by Representative COAD of Iowa. These recommendations are designed to protect citizen farmworkers against adverse effect from the importation of Mexican nationals, and to gradually eliminate the use of foreign labor on farms. They include the following:

First. Mexican nationals should be confined to crops in temporary labor shortage situations and to unskilled non-machine jobs.

Second. The Secretary of Labor should be authorized to establish wage rates for Mexicans at prevailing levels in the area or in the closest similar area for like work, and at no less than a rate necessary to avoid adverse effect on domestic wage rates.

Third. The Secretary should be authorized to insure active competition among employers for the available supply of U.S. workers by being empowered to refuse to certify employment of Mexicans unless (a) employers have made positive and direct recruitment efforts to obtain U.S. workers; (b) employment conditions offered are equal to those provided by other employers in the area who successfully recruit and retain U.S. workers; (c) U.S. workers are provided benefits equivalent to those provided Mexican workers; and (d) employers of Mexicans offer and pay U.S. workers wages which are not less than those paid to Mexicans.

Fourth. The Secretary should be empowered to set up standards for judging adverse effects resulting from employing Mexicans based on wages, earnings and employment trends information.

Unless these minimum protections are afforded U.S. farmworkers, Public Law 78 should not be extended at all. Certainly H.R. 2010, which is a bully's club to better an already depressed group of American laborers, should be overwhelmingly defeated.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, pursuant to House Resolution 271, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

Mr. REIFEL. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. REIFEL. I am, Mr. Speaker.

The SPEAKER. The clerk will report the motion to recommit.

The Clerk read as follows:

Mr. REIFEL moves to recommit the bill H.R. 2010 to the Committee on Agriculture.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

Mr. COHELAN. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The question was taken; and there were—yeas 231, nays 157, not voting 45, as follows:

[Roll No. 53]

YEAS—231

Abbott	Fascell	Laird
Abernethy	Findley	Landrum
Adair	Fisher	Langen
Albert	Flynt	Lankford
Alexander	Forrester	Latta
Alger	Fountain	Lennon
Andersen,	Frazier	Lipscomb
Minn.	Frelinghuysen	McCulloch
Anderson, Ill.	Friedel	McDonough
Andrews	Garland	McFall
Arends	Gary	McIntire
Ashbrook	Gathings	McMillan
Ashmore	Glenn	McSweeney
Aspinall	Goodell	McVey
Auchincloss	Grant	MacGregor
Avery	Griffin	Magnuson
Ayres	Gross	Mahon
Baldwin	Gubser	Maillard
Bates	Hagan, Ga.	Martin, Nebr.
Battin	Hagen, Calif.	Matthews
Beermann	Haley	May
Belcher	Hall	Meador
Beil	Halleck	Morrow
Berry	Harding	Miller, Clem
Betts	Hardy	Miller,
Blatnik	Harris	George P.
Boggs	Harrison, Va.	Miller, N.Y.
Bolton	Harrison, Wyo.	Mills
Bow	Harsha	Minshall
Boykin	Harvey, Ind.	Montoya
Breeding	Harvey, Mich.	Moorehead,
Bromwell	Hébert	Ohio
Brooks, La.	Hemphill	Morris
Brooks, Tex.	Herlong	Moss
Broomfield	Hiestand	Murray
Brown	Hoeven	Natcher
Broyhill	Hoffman, Ill.	Nelsen
Bruce	Hoffman, Mich.	Norblad
Burleson	Horan	Norrell
Byrnes, Wis.	Hosmer	Nygaard
Cannon	Huddleston	O'Brien, N.Y.
Casey	Hull	O'Hara, Mich.
Chenoweth	Ikard, Tex.	Ostertag
Clancy	Jarman	Passman
Colmer	Jennings	Perkins
Cooley	Johansen	Peterson
Cramer	Johnson, Calif.	Pfost
Dague	Johnson, Md.	Pilcher
Davis,	Jonas	Pillion
James C.	Jones, Ala.	Pirnie
Davis, John W.	Jones, Mo.	Poage
Davis, Tenn.	Judd	Poff
Dawson	Keith	Quie
Dole	Kilburn	Ray
Dominick	Kilday	Rhodes, Ariz.
Dorn	Kilgore	Riehlman
Dowdy	King, N.Y.	Rivers, Alaska
Elliott	King, Utah	Rivers, S.C.
Ellsworth	Kitchin	Robison
Everett	Kornegay	Rogers, Fla.
Evins	Kyl	Roudebush



Rousselot	Smith, Va.	Vinson
Rutherford	Springer	Wallhauser
St. George	Stafford	Watts
Saund	Stephens	Weaver
Schadeberg	Stubblefield	Weis
Schenck	Taylor	Westland
Scherer	Teague, Calif.	Whalley
Schneebell	Teague, Tex.	Whitten
Schweiker	Thompson, La.	Wickersham
Scott	Thompson, Tex.	Widnall
Seely-Brown	Thomson, Wis.	Williams
Selden	Thornberry	Wilson, Calif.
Short	Trimble	Wilson, Ind.
Shriver	Tuck	Wright
Sikes	Tupper	Young
Sisk	Ullman	Younger
Smith, Calif.	Utt	
Smith, Miss.	Van Zandt	

NAYS—157

Addabbo	Fogarty	Morse
Addonizio	Fulton	Mosher
Anfuso	Gallagher	Moulder
Ashley	Garmatz	Multer
Bailey	Glalmo	Murphy
Baker	Gilbert	Nix
Baring	Goodling	O'Brien, Ill.
Barrett	Granahan	O'Hara, Ill.
Barry	Gray	O'Konski
Bass, N.H.	Green, Oreg.	Olsen
Bass, Tenn.	Green, Pa.	O'Neill
Beckworth	Griffiths	Patman
Bennett, Fla.	Halpern	Pelly
Bennett, Mich.	Hansen	Philbin
Boland	Healey	Pike
Brademas	Hechler	Price
Bray	Holifield	Pucinski
Brewster	Holland	Rabaut
Burke, Ky.	Holtzman	Randall
Burke, Mass.	Ichord, Mo.	Reifel
Byrne, Pa.	Jensen	Reuss
Cahill	Joelson	Rhodes, Pa.
Carey	Johnson, Wis.	Rodino
Chiperfield	Karsten	Rogers, Colo.
Church	Karth	Rooney
Clark	Kastenmeier	Roosevelt
Coad	Kearns	Rostenkowski
Cohelan	Kee	Ryan
Collier	King, Calif.	St. Germain
Conte	Kirwan	Santangelo
Cook	Kluczynski	Saylor
Corbett	Kowalski	Schwengel
Corman	Lane	Scranton
Cunningham	Lesinski	Shelley
Curtin	Lindsay	Shipley
Curtis, Mass.	Loser	Sibal
Daddario	McCormack	Siler
Daniels	McDowell	Slack
Delaney	Macdonald	Smith, Iowa
Denton	Machrowicz	Spence
Derounian	Mack	Steed
Derwinski	Madden	Stratton
Diggs	Marshall	Sullivan
Dingell	Martin, Mass.	Taber
Donohue	Mason	Thomas
Doyle	Mathias	Thompson, N.J.
Dulski	Michel	Toll
Dwyer	Milliken	Tollefson
Fallon	Moeller	Vanik
Farbstein	Monagan	Yates
Feighan	Moore	Zablocki
Fenton	Moorhead, Pa.	
Flood	Morgan	

NOT VOTING—45

Alford	Durno	Powell
Becker	Edmondson	Rains
Blitch	Finnegan	Riley
Bolling	Fino	Roberts
Bonner	Ford	Rogers, Tex.
Buckley	Gavin	Sheppard
Cederberg	Hays	Staggers
Celler	Henderson	Van Pelt
Chamberlain	Inouye	Walter
Chelf	Kelly	Wharton
Curtis, Mo.	Keogh	Whitener
Dent	Knox	Willis
Devine	Libonati	Winstead
Dooley	Morrison	Zelenko
Downing	Osmer	

So the bill was passed.

The Clerk announced the following pairs:

On this vote:

Mr. Rogers of Texas for, with Mr. Keogh against.

Mr. Durno for, with Mr. Hays against.

Mr. Ford for, with Mr. Buckley against.

Mr. Sheppard for, with Mr. Dent against.

Mr. Knox for, with Mr. Zelenko against.

Mr. Gavin for, with Mr. Fino against.

Mr. Van Pelt for, with Mr. Walter against.

Mr. Dooley for, with Mr. Libonati against.

Mr. Curtis of Missouri for, with Mr. Celler against.

Mr. Morrison for, with Mr. Powell against.

Mr. Willis for, with Mr. Becker against.

Mr. Alford for, with Mr. Staggers against.

Mr. Riley for, with Mr. Finnegan against.

Until further notice:

Mrs. Kelly with Mr. Cederberg.

Mr. Rains with Mr. Chamberlain.

Mr. Roberts with Mr. Devine.

Mr. Winstead with Mr. Wharton.

Mr. Bonner with Mr. Osmer.

Mr. COLLIER changed his vote from "yea" to "nay."

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

## GENERAL LEAVE TO EXTEND

Mr. GATHINGS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Arkansas?

There was no objection.

## CORRECTION OF ROLL CALL

Mr. SMITH of Mississippi. Mr. Speaker, on rollcall No. 51 I am recorded as having failed to answer to my name. I was present and answered to my name. I ask unanimous consent that the permanent Record and the Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

## ADJOURNMENT OVER TO MONDAY, MAY 15

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet on Monday next.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## DISPENSING WITH CALENDAR WEDNESDAY NEXT WEEK

Mr. McCORMACK. Mr. Speaker, I ask unanimous consent that call of Calendar Wednesday of next week be dispensed with.

The SPEAKER. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

## CORRECTION OF ROLL CALL

Mr. SELDEN. Mr. Speaker, on rollcall No. 53, a quorum call, I am recorded as absent. I was present and answered to my name. I ask unanimous consent that the permanent Record and Journal be corrected accordingly.

The SPEAKER. Is there objection to the request of the gentleman from Alabama?

There was no objection.

## AMENDING SECTION 4 OF THE EMPLOYMENT ACT OF 1946

Mr. THORNBERRY. Mr. Speaker, I call up House Resolution 276, by direction of the Committee on Rules, and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 6094) to amend section 4 of the Employment Act of 1946. After general debate, which shall be confined to the bill, and shall continue not to exceed one hour, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Government Operations, the bill shall be read for amendment under the five-minute rule. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommend.

Mr. THORNBERRY. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, House Resolution 276 provides for the consideration of H.R. 6094, a bill to amend section 4 of the Employment Act of 1946. The resolution provides for a straight open rule with 1 hour of general debate.

The purpose of H.R. 6094 is to increase the ceiling on appropriations for salaries which may be granted the Council of Economic Advisers from the present \$345,000 to \$2 million. The ceiling was established in the Employment Act of 1946 and has not been changed in the intervening years.

The bill was based on a request made of the Congress by President Kennedy and referred to the Committee on Government Operations. President Kennedy asked that the ceiling on salaries contained in the Employment Act be eliminated leaving to the regular appropriations machinery of Congress to decide each year what sums are required to support the expanding work of the Council.

Mr. Speaker, I urge the adoption of House Resolution 276.

Mr. Speaker, I now yield 30 minutes of my time to the gentleman from Ohio [Mr. BROWN].

Mr. BROWN. Mr. Speaker, I yield myself such time as I may use.

Mr. Speaker, the gentleman from Texas has explained the rule, making in order consideration of this bill, which is a very simple one. It would increase from \$345,000 to \$2 million the amount the Council of Economic Advisers may spend each year as the total cost of that operation.

Originally the bill as introduced called for authorization of an unlimited amount; or in other words, it would provide that any amount which might be appropriated could be spent. This might mean, of course, mean any amount requested in the budget for this operation.

As a member of the subcommittee considering the bill, I felt very strongly there should be some limitation placed by our legislative committee as a ceiling



there must be adequate safeguards in the bill to make it function in accordance with the broad and commendable purposes stated in the preamble. If the purpose of the bill is to give farmers a voice in writing legislation, we should guarantee that this will be done in fact.

Concern that this may not actually be the case is expressed in the Washington Report of Wallace Farmer for May 6, 1961. A part of the report is printed here:

Don't count on farmers running the farm program if the bill passes. All the talk of farmer-elected committees calling the shots is proving to be just that—talk.

Farmers will be asked only to submit nominations. Of these, the Secretary of Agriculture will select about a third to serve on the advisory committee. Other committee members will be farm organization officials plus one or more consumer representatives. And if the advice of the advisory committee does not suit, the bill allows the Secretary to reject it.

Then why bother to have committees? One guess is that USDA intends to advertise the committees as the voice of farmers \* \* \* largely to offset somewhat similar claims by the Nation's largest farm organization.

## The Press and Federal Deposit Insurance

### EXTENSION OF REMARKS OF

**HON. A. WILLIS ROBERTSON**

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Thursday, May 11, 1961

Mr. ROBERTSON. Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD a splendid editorial from the American Banker of May 10, 1961, entitled "The Press and Federal Deposit Insurance."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the American Banker, May 10, 1961]

THE PRESS AND FEDERAL DEPOSIT INSURANCE—

EDITORS OF THE NATION FULSOME IN PRAISE  
OF FDIC

Every time an insured bank closes there is an outpouring of editorial comment in the Nation's press. The closing of the Sheldon, Iowa, National Bank, following disclosure of an embezzlement of more than \$2 million was no exception. Comment is almost uniformly favorable, viz:

"The consolation Sheldon residents can have is that it has afforded an opportunity to observe a Government agency which operates smoothly, efficiently and very courteously, and treats individuals as if they were indeed individuals and not merely a sort of nuisance. \* \* \* We are referring, of course, to the very fine relations the public is having with the FDIC at the Sheldon National Bank. There is a great deal of praise throughout the community for their excellent work."—Sheldon (Iowa) Mail.

"Another demonstration of the speed with which the Federal Deposit Insurance Corporation works is furnished in Sheldon, Iowa. The insurance officials were right behind the police in moving into the bank which suffered a \$2.1 million loss from embezzlement. \* \* \* An entire new generation of Americans has grown to adulthood without ever having seen or suffered from a run on a bank."—Ogden (Utah) Standard Examiner.

"Thanks to the FDIC, Sheldon, Iowa, is 'back on its feet' financially.

"Economic recovery for most of the people in Sheldon was swift, thanks to the Federal Deposit Insurance Corp."—United Press-International report 6 weeks after the Sheldon National Bank closing.

"Discovery of the theft (\$2.1 million Sheldon bank defalcation) did not create a panic among depositors. They knew they were secure, and within 10 days after the bank was closed, the FDIC began paying off in fully up to \$10,000. As evidence of public calmness and confidence, many depositors took the money they received and went up the street to place it in another bank, also insured \* \* \*. This is one of the bulwarks of the nation's economy, providing an absolute guarantee against a run on a bank ever again."—Henderson (N.C.) Dispatch.

"It takes something like that astounding \$2 million embezzlement to recall that for nearly 30 years, the Federal Deposit Insurance Corp. has stood ready to reimburse depositors up to \$10,000. Since the FDIC law was enacted, there have been 439 bank closings, and 99.7 percent of depositors were covered by deposit insurance."—Newport (R.I.) News.

"This importance of the protection afforded bank depositors by the Federal Deposit Insurance Corporation has been dramatically demonstrated in the collapse of the bank at Sheldon."—Des Moines (Iowa), Register.

"When Money Vanishes, Federal Bank Agency Appears Like Magic."—New York Daily News headline on Sheldon, Iowa, post closing report.

"The FDIC is probably the best reason for people's confidence in our banking system and the safety of their money \* \* \*. When people have confidence in banks there is little danger of panic."—L. A. C. in the Long Beach (Calif.) Independent.

"Before FDIC, depositors usually lost money if a bank failed. \* \* \* Uneasy depositors could cause a run on strength of a rumor. \* \* \* However, the FDIC has changed all that."—Champaign (Ill.) Courier.

The public, speaking through its newspaper and magazine editors, obviously is satisfied with the manner in which the FDIC operates to protect depositors' interests.

A step in the direction of educating the public with regard to this agency's efficient function should be taken by banks through utilizing these laudatory comments and expressions of confidence in their promotional efforts.

## Nature and Directions of the New Frontier

### EXTENSION OF REMARKS OF

**HON. HOMER E. CAPEHART**

OF INDIANA

IN THE SENATE OF THE UNITED STATES

Thursday, May 11, 1961

Mr. CAPEHART. Mr. President, one of the Midwest's notable newspaper editors, Mr. Herbert H. Heimlich, of the Lafayette (Ind.) Journal-Courier, set forth some interesting views in an editorial after his return from the recent editors' meeting in Washington. He titled his editorial "The Washington Scene," and his observations are so interesting that I ask unanimous consent that the text of the editorial be inserted in the Appendix of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

### THE WASHINGTON SCENE

Something of the shape, nature, and directions of the New Frontier, as well as the problems facing the United States on many fronts, were described and explained, and in some cases defended, for newspaper editors of the United States at two meetings in Washington which your editor was privileged to attend over a span of a week.

Some 35 top Washington officials, headed by President Kennedy himself, gave addresses, took part in panels and discussions, and answered questions, first before the annual meeting of the American Society of Newspaper Editors, and then at a foreign policy briefing conference conducted by the Department of State.

A great deal of enlightenment was provided the editors. Whether or not they agreed with all they heard, there was ample opportunity to learn firsthand of administration thinking on a wide variety of problems facing the Nation, both at home and abroad. This comprehensive background is bound to prove useful and valuable. Come to think about it, there may have been a degree of attempted brainwashing, also.

Washington lives in an atmosphere of crises. A deep sigh or frown on the part of a high official can only be a sign of trouble and next morning there are reports of new difficulties and top-level decisions. Nothing seems very clear or certain. A Cabinet member sized up this situation most aptly, it appeared, when he remarked: If you leave here more confused than when you came, perhaps you may be closer to reality.

The pervading spirit of Government leaders and the atmosphere they created breathed of crises and urgency, and also of frustration and uncertainty in some respects. The threat posed by communism overshadowed all else. What to do about it was on about all tongues.

Some of us who attended both sessions heard the President three times within 6 days, including a regular Presidential press conference. In addition the programs included six members of the Cabinet and various administrators, deputies, assistants, directors and others in such Departments as State, Defense, aeronautics and space, task forces, the U.S. Information Agency, the Central Intelligence Agency, and the Federal Housing and Home Finance Agency, as well as the U.S. Ambassador to the United Nations.

The foreign policy conference was conducted under rules which forbade attribution to the many speakers. However since at least one Communist correspondent was present, it may be that top Reds will know more about who said what than Americans.

As might have been expected, Cuba and Laos came in for main attention. While some things, such as these, were described as bad, there was the intimation that they may become worse. There was some recrimination as to who goofed on Cuba, with interested parties defending themselves and their agencies. One held there had been some bad miscalculations, while another insisted there had been none. Just what did happen, or why, never was explained.

The President made a strong impression upon the editors when he promised with reference to Cuba, that this Nation "will not hesitate in meeting its primary obligations, which are to the security of our own Nation," whatever the cost or peril and alone if necessary. He appeared well informed, alert, and clear on all questions. At a time of a rising crescendo of criticism, the President undoubtedly won a great deal of sympathy from the editors, and was credited in a special poll with having performed well thus far.

The President, while appearing confident generally, also gave evidence of the weight of the office he holds and of the responsibility which goes with it, in special relation



to the confusion and grave situations which exist today in the world.

As might have been expected, the speakers were received with mixed emotions by the bipartisan audiences.

Two Cabinet members, Secretary of Commerce Hodges and Secretary of Labor Goldberg, declared that the country seems to be pulling out of the recession. Mr. Goldberg, however, appeared to take special delight in recounting our difficulties. He properly insisted that the country should know the truth about our economy, the bad as well as the good, but went further, unnecessarily emphasizing and repeating the unfavorable factors, it seemed. Secretary of Health, Education, and Welfare Ribicoff also was in an argumentative mood.

Secretary of the Treasury Dillon also surprised us by citing the Nation's shameful lack in education. Further, he outlined an extensive Government program designed to make everyone happy, holding we can and must fulfill all of the Nation's needs. In this connection he assured there is no question as to adequate revenue, but that the main question is how the billions are to be spent. Also, he shocked not a few editors when he stated that multibillion deficits this year and next are "not a cause for alarm" and that a "modest deficit" is required to stimulate the economy.

Some of the so-called Republicans who have accepted appointment to high posts sounded as Democratic in some of their approaches as those who chose them.

Other Cabinet members—Secretary of State Rusk and Attorney General Robert Kennedy—were less partisan and more moderate in their discussion of national problems, it seemed to this observer.

Highlighting the American Society of Newspaper Editors program and of great significance to the Nation and to the world was the President's declaration on Cuba, providing a sharp break with our former stated position. Earlier, he had given assurance that U.S. forces would not be used, but now he has opened the door on this point.

This array of top brass, all articulate spokesmen, might well have dazzled the editors in some ways, but we doubt that the New Frontier gained any new converts.

## Communism: Our Active Enemy

### EXTENSION OF REMARKS

OF

## HON. RALPH HARVEY

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 1961

Mr. HARVEY of Indiana. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following essay by George Duncan, of Test Junior High School. This winning essay appeared in the Palladium-Item and Sun-Telegram of Richmond, Ind., on April 16, 1961:

### COMMUNISM: OUR ACTIVE ENEMY

(By George Duncan, Test Junior High)

Communism, the economic theory by which all of the property, industry and distribution of the products are controlled by the community or society as a whole, is a science and its followers consider themselves scientists.

Communism denies God. With this denial all of the standards of truth and righteousness, all of the moral laws for which He stands, and all of the values and virtues which originate with God are completely destroyed.

In communism man is a body which is explained by the terms of chemistry and physics. He has no soul, no spirit, and no continuity of life.

According to Karl Marx, the originator of communism, the perfect government would equally distribute all of the income, property and produce among its members. This government would be spread throughout the world by force. Numerous attempts have been made to establish a "Utopian" community, none have succeeded.

Although Russia is said to have had a communistic government since 1917, in order to make it succeed and I use succeed with numerous reservations, many of the Marxist theories were amended and now lean toward the capitalistic ideas.

### UNSCRUPULOUS METHODS

It is a proven fact that communism is being disseminated throughout our country by various powers using low and unscrupulous methods. This infiltration has become entrenched in our religion, education, and government. It has been so cleverly carried out that we, the victims, have been unaware of its occurrence.

Most people think only of a nuclear attack in the communistic conquest of the world. They do not realize that right now, in our own country, the Communists are making their most forceful and, thus far, most successful attack on the American people. This attack is on our students. In some of our schools Communist teachers are trying to turn America's future adults into traitors by instilling the ideas of communism in them with sly, scarcely perceptible teachings of their doctrine.

### WHAT CAN WE DO?

We also find Communist speakers attending youth meetings and church groups attempting to convert the youth of America from capitalism to communism. How can I, as a student, differentiate the communistic teachings imperceptibly slipped upon us from our American teaching? How can I protect myself?

You might wonder what appeal a student could find in the principles of communism; however, numerous details presented to the student can produce an appealing future. The nature of this appeal is that the student can participate in the conquest of the world and, later, in a program to change human nature, perfect human character and populate the entire earth with a new quality of personality.

You might consider a Communist monopoly of world government a long way off; however, it is very near. Not long ago the United States was told that its next generation would live under a communistic government.

I cannot and will not be willfully led away from our American government and principles. However, I repeat, how can I differentiate the communistic teachings from our American teachings? I devoutly pray for perception to see the truth.

## Continuation of Mexican Farm Labor Program

### SPEECH

OF

## HON. JOHN W. McCORMACK

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Thursday, May 11, 1961

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 2010), a bill to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. McCORMACK. Mr. Chairman, I move to strike out the last two words.

Mr. Chairman, the remarks I am about to make are in my individual capacity as a Member of the House and not as majority leader. Because I am majority leader I do not completely abdicate all my rights as a Member of this body.

I can remember this legislation through the years. Not so many years ago we were fighting to bring about better conditions for the poor, unfortunate Mexican workers. More should be done. Now we are trying to do something for Americans.

I supported this legislation in the past. I recognized the necessity for it in past years. But our fight then was to try and have the Department of Labor get some authority to go in and use its offices to protect human beings, Mexican workers, who were being exploited, not by all the farmers, but by a sufficient number so that it was a public scandal. Now we are trying to do something for American workers.

Those who favor the bill—and I have no quarrel with them—talk about the need for Mexican workers. That is not our immediate concern today. What we are concerned about today is to try and get some fair consideration given to American citizens.

I offered an amendment to the committee which I thought might solve the situation, in trying to help this problem as I saw it, and I knew it would arise today. I know you are going to put your bill through. You are going to win a battle, but you might lose a war later on. Some of you members of the Committee on Agriculture, all of whom represent agricultural districts, must recognize that sometimes some of us Members from the urban districts have a thought. I have a 1,000-percent voting record on agriculture and I do not think many agricultural Members are able to say that they have a 1,000-percent voting record on agriculture. I offered a single amendment, but a fair amendment. What was the substance of it?

No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer has made and is making reasonable efforts to attract domestic workers—

What is wrong with that? Then I give some criteria. Then I add a paragraph as follows:

Provided further, that in no event shall Mexican workers be permitted to be employed by any employer who is paying domestic workers less than the prevailing wage rate for the activity in the area.

That is the combined effect of my amendment. Yet they opposed it. They declined it. If they had accepted that amendment we would not have been completely satisfied, but the bill would have gone along. Of course you are going to put it through, but later on there will be other legislation coming up and you might regret that you rode roughshod over some of us who have humanitarian considerations in our minds, who had them years ago for the Mexican worker and who have them now for the American worker.



You are going to bring a bill out of your committee in the near future entitled the Agricultural Act of 1961. And what is a part of the declaration of principle of that bill? One part is, "to afford farmers the opportunity to achieve parity of income with other economic groups."

I am for that. But there are some of us today who are trying to give consideration to American citizens, who are trying to get economic parity for American citizens in connection with this type of work.

So where are you going to be when you get up?

Mr. BECKWORTH. Mr. Chairman, will our distinguished majority leader yield?

Mr. McCORMACK. I am talking now as an individual member.

Mr. BECKWORTH. Will the distinguished gentleman from Massachusetts state what he thinks the position of the Department of Agriculture would be in connection with the amendment that he offered?

Mr. McCORMACK. As I understand it, this amendment would be satisfactory. That is my understanding. I will ask the gentleman from Iowa [Mr. COAD]. We conferred on this. I should like to ask that of the gentleman with whom I consulted about trying to draft one simple amendment to try to iron out the situation for the House purposes.

Mr. BECKWORTH. I was informed yesterday in the presence of many other Members of the House that the administration speaks with one voice, that is, it favors the extension of Public Law 78 only if it is amended, and that includes the Department of Agriculture.

Mr. McCORMACK. Might I say to the gentleman without changing his position at all, if this amendment had been accepted we would gladly have gone along.

Mr. BECKWORTH. That is correct, if the administration would accept it.

Mr. McCORMACK. I would go along with this if the administration would accept it, but I hear no voice from the committee.

on March 21, 1961, be printed in the Appendix of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the New York Times, Mar. 21, 1961]

#### LAST CHANCE FOR UNITY

(By A. N. Spanel, chairman, International Latex Corp.)

"We are unwilling to witness or permit the slow undoing of those human rights to which this Nation has always been committed. Let every nation know, whether it wish us well or ill, that we shall pay any price, bear any burden, meet any hardship, support any friend or oppose any foe, in order to assure the survival and success of liberty."

This inspiring declaration was made by President Kennedy in his inaugural address. Rarely in recent years have the American people—as well as their friends and enemies throughout the world—heard a pronouncement so firm, clear eyed and courageous from a President of the United States.

If it proves a portent of policy and action in the same fearless spirit, the forces of freedom may at last seize the initiative in the historic world struggle, now held by our monolithic adversary.

The President's words will be appraised, moreover, in the light of significant points he underlined in his inaugural address. The world will recall that there he renounced any self-delusion as to the extreme gravity of the present international situation. "The tide of events has been running out and time has not been our friend," was the way he put it.

Even more important, he in effect rejected as unrealistic the perennial hope that world communism—in the name of peaceful coexistence or some other slogan of confusion—will suddenly give up its inflexible goal of totalitarian world rule. Referring to Red Russia and Red China, he declared: "We must never be lulled into believing that either power has yielded its ambitions for world domination—ambitions which they forcefully restated only a short time ago."

The implications of this essential truth should be self-evident: (1) Those Communist ambitions cannot be wished away or argued away; they can only be curbed and defeated by those whom they endanger, which means all non-Communist nations and peoples; (2) the free world must generate quickly—before the point of no return is reached—not only superior military-economic power on a united basis but an unswerving determination to win the struggle.

And if these imperatives for survival are to be met, the central and indispensable condition is genuine and dedicated free world unity which can only exist in depth and in breadth. As we have emphasized repeatedly in these columns, "To meet the challenge of Communist hordes under totalitarian discipline, we need a free world unity to match." For the continued divisiveness of the Western World, even as the tide of events runs out, defies all reason and could well encompass our annihilation.

The Communists use their threats and their blandishments on the Marxist premise that capitalist nations, among themselves, have no friends, no enemies, only interests. For their leaders from Lenin to Khrushchev it has been a basic principle of operation in their assault on our world.

It must be refuted and frustrated, not in words but in wisely formulated acts and institutions to promote true unity of the nations earmarked by the Moscow-Peiping axis for conquest and burial, whatever the price and sacrifice. On April 7, 1959 we wrote:

"The Soviet bloc is a monolithic entity. The free allies are at best a collection of strong-willed individual countries and governments. In order to cope with the life-and-death menace posed by the Red monolith, we have no alternative but to provide a voluntary unity to match. Only by pooling more of its resources, brains, and skills and facing up to the need for sacrifice—including the sacrifice of some types of sovereignty—can the free world thwart the Soviet pattern of pillage."

It is noteworthy that General de Gaulle in the past called for the closest harmony among the United States, Great Britain, and France wherever the Communists threatened our world. He was misunderstood and ignored. Washington and London failed to grasp that such a leadership union would have given other free nations, new and old, the confidence and the courage to stake their destinies on the freeworld alliance.

General de Gaulle also urged that the responsibilities of NATO be broadened to include areas affecting the very lives of its members. Again he was misunderstood and ignored—until the chaos in the Congo confirmed his fears.

It is interesting to note that the Foreign Minister of West Germany, Dr. Heinrich von Brentano, has come closer to this view. In an article in the current Foreign Affairs, though he disapproves of the proposed three-power council, he does agree that a reorganized NATO must extend its influence outside of Europe.

NATO and the whole Western World must know that weaker nations generally gravitate toward the strong; and that historically, communism feeds on the fears and appeasements it can generate in its divided opponents, weakened targets.

Of what avail a stabilized and neutralized Africa, for instance—even if the miracle were achieved—if in the process the strength of our European allies is sapped, their resolution for the common cause eroded? The resultant disunity, to the point of driving some allies to seek shelter in neutralist delusions, would make of Africa a time bomb in the hands of the Communists.

"Support any friend and oppose any foe."

This deceptively simple but actually profound formula advanced by President Kennedy offers a firm guide to the conduct of free men in a free world. It should serve as the acid test of every specific policy. If adopted by common consent by all the major free powers, it could cut through confusions and self-destructive quarrels among them.

If adhered to in earnest in everything involving the Communist challenge, it would sustain the unity of the free world essential to victory for the world of freedom.

#### Last Chance for Unity

#### EXTENSION OF REMARKS

OF

**HON. HUBERT H. HUMPHREY**

OF MINNESOTA

IN THE SENATE OF THE UNITED STATES

Thursday, May 11, 1961

Mr. HUMPHREY. Madam President, I invite attention to an article entitled "Last Chance for Unity," written by Mr. A. N. Spanel, founder of the International Latex Corp., of Dover, Del. It is a matter of public record that Mr. Spanel has sought to alert, times without number, the whole free world to its danger and the compelling need for dedicated unity among its member nations, to successfully meet those threats.

I, therefore, ask unanimous consent that the editorial by Mr. A. N. Spanel, which appeared in the New York Times

#### U.S. Relief Program and Shortage of Doctors in the Congo

#### EXTENSION OF REMARKS

OF

**HON. KARL E. MUNDT**

OF SOUTH DAKOTA

IN THE SENATE OF THE UNITED STATES

Thursday, May 11, 1961

Mr. MUNDT. Mr. President, during the past month the publisher of the Sioux Falls (S. Dak.) Argus-Leader, Mr. John A. Kennedy and Mrs. Kennedy, have been visiting in the Congo, surveying the conditions in that land.

Two excellent articles, providing us with an insight into the many problems which confront the people of this



troubled nation, have been written by the Kennedy's and carried in the Argus-Leader.

Because of the importance of this area of the world to the international scene, I am bringing the attention of the Senate to these articles.

Mr. President, I ask unanimous consent to have printed in the Appendix of the RECORD the two articles on this subject:

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

#### U.S. RELIEF PROGRAM SHOWING DRAMATIC RESULTS IN CONGO

(EDITOR'S NOTE.—John A. Kennedy, editor in chief of the Sioux Falls Argus-Leader and his wife serving as photographer, spent nearly 2 months in the Congo in 1959. They have just concluded another survey of conditions in that chaotic land.

(By John A. Kennedy)

LEOPOLDVILLE, THE CONGO.—Last January 20 President Kennedy announced his foreign relief program to help needy nations to help themselves.

Yesterday I saw that plan combined with the U.S. food for peace project dramatically in action.

From a small hill not far from the Leopoldville Airport we watched 1,300 laborers digging ditches with shovel and mattock to drain the swamps and marshes.

The land will be used to grow cash vegetable crops to be sold in Leopoldville markets.

The wages for the workers come from the sale of U.S. gift surplus flour to local bakeries.

Earlier I had visited one to watch American flour sent by the food for peace administration—headed by South Dakota's George McGovern—made into tasty loaves of bread.

The third shipment of 1,400 tons of American surplus flour arrived at Matadi port this weekend. The first 700 tons reached the Congo March 16, the second reported ready for unloading March 28.

The flour gift is distributed under U.N. supervision in a three-way deal approved by the Congolese and U.S. Governments. It helps meet a serious shortage in this troubled republic and also curtails unemployment.

#### TIRED OF RED LABEL

The flour arrived just in time. In fact, for a few days there was none to supply the bakeries. U.S. Ambassador Clare Timberlake had urged speed in its shipment because Western people here had grown weary of the earlier Russian Red Star labeled flour bags that had been the source of their bread under the then premier Lumumba.

The U.N. sells the flour to importers on a quota basis, established and approved by U.N. and Congo authorities.

The importers in turn sell to local bakers at prices fixed by the Government. All moneys received from the sale are deposited in a special account in the Central Bank drawn on to finance many public work projects jointly started by a U.N. team and Congolese officials. This helps to stem the growing tide of unemployed caused by the breakdown of normal commercial and manufacturing operations following the explosive independence emergence of July 1960.

#### MARSHES DRAINED

The draining of the Stanley Pool marshes for conversion into truck gardening is the first of these public works projects. The plan, originally started by the colonial Belgians, was interrupted when they lost the Congo.

This reclamation is combined flood control and ditch drainage providing vegetable growing land for Leopoldville needs because

soil in surrounding areas is generally unsuitable for gardening.

The area is 15 miles above the capital and embraces 30,000 acres, 80 of which already are in production of maize, manioc, and other basic needs.

#### DIKES STRENGTHENED

The dikes along the drainage ditches are reinforced by revetting with mattresses of young trees and strong reeds filled with palm leaves to keep the banks from caving in—somewhat similar to the early U.S. Army Engineers protection of the Missouri River in the first two decades of this century in South Dakota, Iowa, Nebraska, and Missouri.

Surplus vegetation was being burned off when we were there. Congolese laborers were cutting trees with their machetes. Others were tying the mattresses while the rest were digging the drainage ditches.

From our hillside vantage point we were not bothered by mosquitoes and tsetse flies that swarm in the swamps where 1,900 men were laboring below.

Up to the end of February the U.N. spent about \$200,000 for this project. Practically all the money went for wages, but now the U.N. appropriation is exhausted.

And here is where the proceeds of the American gift flour came to the rescue.

#### TO MEET NEEDS

In addition to giving needed work for 1,900 men—much like our public works projects of the 1930's—they expect to produce all the vegetables needed for metropolitan Leopoldville which now are flown in often from Europe or other areas of Africa.

The pilot project, now being drained, will be ready for planting next month—if, and a big if—they can obtain seeds from abroad. It will give permanent employment eventually, the sponsors hope, to thousands of men.

Since the Stanley Pool area is the breeding ground of mosquitoes near Leopoldville, the authorities feel it will greatly improve health conditions in the capital.

#### NARY A NATIVE DOCTOR IN VAST LAND OF UPHEAVAL

(By John A. Kennedy)

LEOPOLDVILLE.—When the Belgians pulled out of the Congo last July, there was not a single Congolese medical doctor in this vast country.

And only 50 students now in the new medical college at Louvanlum University here as the only pipeline to supply Congolese health supervision in the future.

This medical-health picture perhaps dramatically points up the problems of the Congo—and for that matter similar difficulties already present or certain to be encountered in the emerging of the new African nations today.

#### NOT ALL THE WAY

Experts say the people just can't all go back to see the sorcerers and witch doctors of the past—though these mysticists still prevail in a large part of the uncivilized areas of the bush and jungle.

On Independence Day, there were 761 Belgian doctors. After the uprisings, only 150 remained and those were mostly in the big cities to care for 13 million Congolese and 4 million more in Belgian administered Ruanda Urundi.

The departing medicos took with them the technicians, X-ray and laboratory experts, leaving only a very few to help man the hospitals and dispensaries.

Under Belgian rule, according to Dr. M. Bellerive, senior U.N. medical consultant who had visited the Congo several times before as World Health Organization expert, medical care of natives in hospitals and dispensaries had been, perhaps, the best and most complete of any nation in black Africa.

With the aid of hurriedly recruited Red

Cross teams, the U.N. chief has been able only to partially reorganize the nation's health setup.

#### AT LEAST 15 YEARS

Dr. Bellerive's most optimistic guess is that it will take at least 15 years before the Congolese can get along without foreign doctors—if then.

Through the Red Cross, Dr. Bellerive tried to get 130 doctors immediately. Of this number, 72 have arrived. In addition to medcos, public health advisory teams were assigned to each of the six provinces consisting of a doctor, one sanitary engineer, and a public health expert.

The Belgians fortunately had medical stores which they believed adequate for 1½ years in the event the Congo was cut off by another world war. The first 6 months since July drew heavily on this stock but Dr. Bellerive says they are not too desperate on this score at present. But Sister Eloardo of Katambo Hospital reports that her equipment and supplies are running very low.

"The big problem today," the WHO chief said, "is what can we do in the future because the Red Cross doctors are planning to leave in June?"

#### TO SCHOOL IN FRANCE

The U.N. already has sent 61 medical assistants to France who have been accepted into schools with the understanding that in addition to the 3 years in these institutions, the students at the same time will make up their deficiencies in the basic sciences. By comparative training, that would rank between an intern and a graduate nurse.

If they do not pass the French medical exams—which are tough—they will be returned to the Congo as supermedical assistants. The first reports from five French universities are quite good. It is the hope of Dr. Bellerive to send 20 more medical assistants to school this year. The World Health Organization is picking up the tab. They also have worked out a full program for public health doctors with about 1,000 students.

Some Swiss medical schools are also training natives but the small supply of medical assistants here is so badly needed to help to at least partially preserve the Congo's health that it will be difficult to let them leave the country.

In 3 years time this group of Congolese will form the backbone of the country's health service and will be augmented by graduates from the relatively newly formed medical school at Leopoldville—Louvanlum University.

#### COOL RECEPTION

Dr. Bellerive reported considerable difficulty in the placing of doctors after they arrive.

Kivu, from where most of the Belgians were chased when the tribes rose against their former colonial masters, first said "No" to proffered medical teams. In April they cabled the U.N. in Leopoldville for 10 doctors including surgeons and specialists.

There has been some difficulty in obtaining full cooperation with native officials by U.N. heads. A few doctors were roughed up a bit but Bellerive feels his operations are beginning to work more smoothly.

The lack of medically trained Congolese has presented the most serious problem to the U.N. health authorities. They cannot find trained medical experts to suggest as commissioners of health.

Under the Belgians, both the national and provincial posts of this type were occupied by top medical men—nonnative.

When Lumumba was president, he appointed a 29-year-old medical student as commissioner. The present head, Paul Bolyx, is a former medical assistant who had quit the profession to head a semipolitical organization.







# H. R. 2010

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IN THE SENATE OF THE UNITED STATES

MAY 15, 1961

Read twice and referred to the Committee on Agriculture and Forestry

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## AN ACT

To amend title V of the Agricultural Act of 1949, as amended,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 509 of such Act, as amended, is amended by  
4       striking "December 31, 1961," and inserting "December 31,  
5       1963".

Passed the House of Representatives May 11, 1961.

Attest:

RALPH R. ROBERTS,

*Clerk.*



87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 2010

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## AN ACT

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To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

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MAY 15, 1961

Read twice and referred to the Committee on  
Agriculture and Forestry







16. SURPLUS FOOD. Extension of remarks of Rep. Dorn inserting an article "U. S. Surplus Corn Used To Make Liquor." p. A3677
17. FORESTRY; WATERSHEDS. Extension of remarks of Rep. Rhodes, Ariz., inserting a speech "Watershed Management on the National Forests" by Richard E. McArdle, Chief, Forest Service. pp. A3680-1
18. FARM BILL. Extension of remarks of Rep. Dorn inserting a statement by the American National Cattlemen's Association on H. R. 6400, saying "We do not consider the planned scarcity that is inherent in the provisions of H. R. 6400 to be in the best interests of our customers, the consuming public." pp. A3682

BILLS INTRODUCED

19. FARM LABOR. S. 1945, by Sen. McCarthy (for himself and others), to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States; to Agriculture Committee. Remarks of Sen. McCarthy. pp. 8017-20
20. EDUCATION. S. 1950, by Sen. Bridges (for himself and others), to extend for 4 years the temporary provisions of Public Laws 815 and 874, 81st Congress, relating to Federal assistance in the construction and operation of schools in areas affected by Federal activities; to Labor and Public Welfare Committee.

PRINTED HEARINGS RECEIVED IN THIS OFFICE

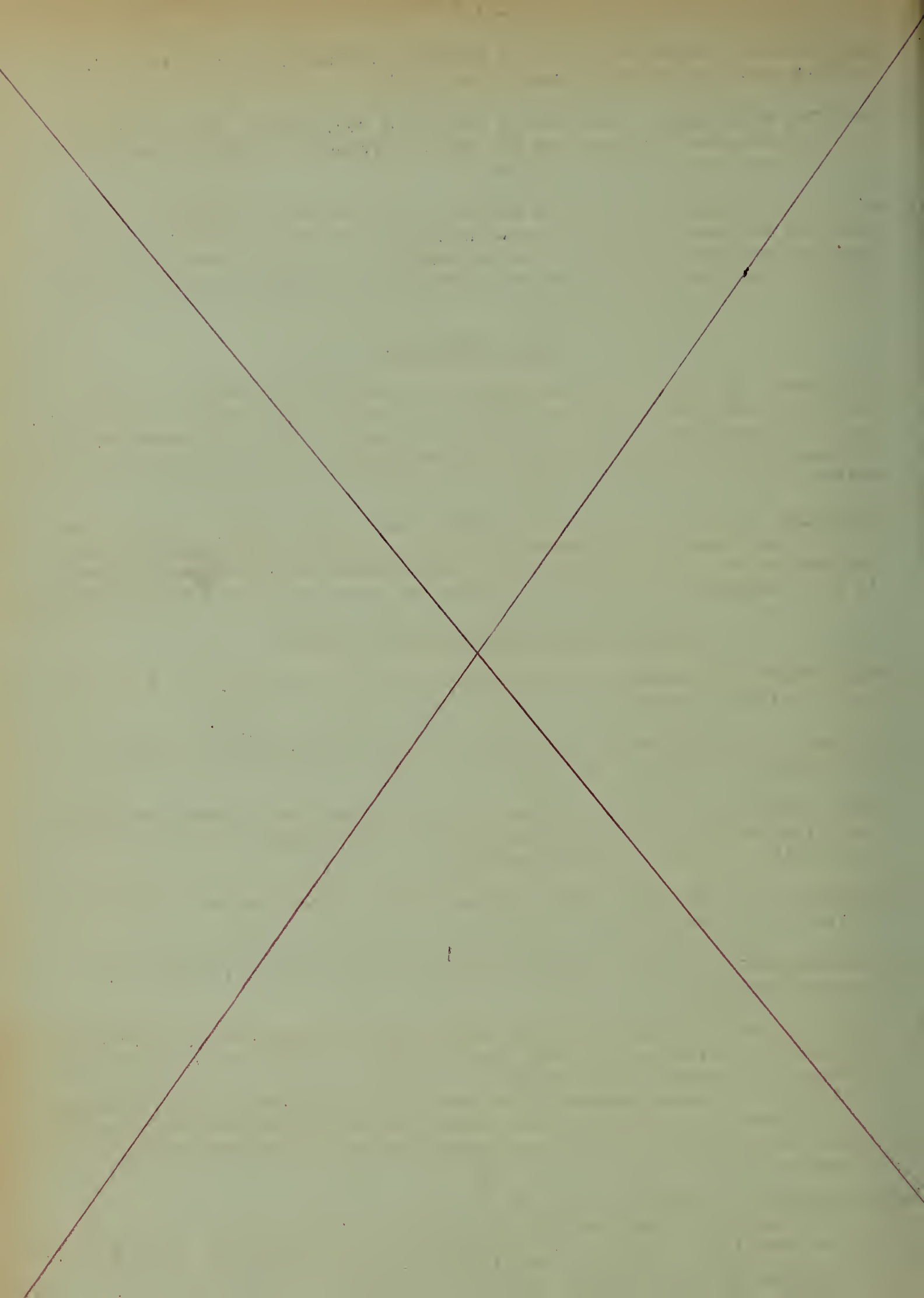
21. UNEMPLOYMENT. The current unemployment situation and outlook. S. Labor and Public Welfare Committee.
22. HOUSING. H. R. 6028, H. R. 5300, and H. R. 6423, Housing Act of 1961. H. Banking and Currency Committee.
23. TRAVEL ALLOWANCES. S. 470, to increase the maximum rates of per diem allowances for employees of the Government traveling on official business. S. Post Office and Civil Service Committee.
24. EDUCATION. S. 1228 and S. 1726, National Defense Education Act, S. Labor and Public Welfare Committee.
25. SMALL BUSINESS. S. 836, to amend the Small Business Act. S. Banking and Currency Committee.
26. APPROPRIATIONS. Department of State and Justice, the Judiciary, and Related Agencies Appropriations for 1962, Part 1, Dept. of State; Part 2, Dept. of Justice. H. Appropriations Committee.  
Legislative Branch Appropriations for 1962. H. Appropriations Committee.  
H. R. 6518, Inter-American Social and Economic Cooperation Program and the Chilean Reconstruction and Rehabilitation Program. S. Appropriations Committee.

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COMMITTEE HEARINGS ANNOUNCEMENTS MAY 24:

Public Law 480 provisions of farm bill, H. Agriculture (Farm Bureau and Friends Committee to testify). Farm bill, S. Agriculture. H. Subcommittee on Oilseeds and Rice (exec - on pending business). Housing legislation, H. Banking and Currency (exec). Creation of Dept. of Urban Affairs and Housing, H. Gov't Operations. U. S. contributions to Food and Agriculture Organization, H. Foreign Affairs.





tant operations of the plan. The giving of any such inducement would likewise be prohibited.

6. Along the lines of the Labor-Management Reporting and Disclosure Act of 1959, the bill would require plans to make and retain supporting books and records.

7. The Secretary of Labor would be given appropriate authority to make rules and regulations.

8. Benefits under many plans are provided by insurance companies or service or other organizations. Much of the information required by the plan administrator is therefore in the possession of a carrier or other organization and must be obtained from it by the administrator. The bill would require any such organization to certify the necessary information to the plan administrator within 90 days after the end of the policy year, so that the administrator may meet the act's reporting requirements.

9. Experience gained since the enactment of the statute has shown that certain technical amendments are also necessary, as follows:

(a) A provision is added to section 5(a) to relieve administrators of plans which utilize an insurance carrier or service organization to provide benefits, from certain reporting difficulties under the present act. For example, information relating to benefits provided through insurance is generally available on the basis of the contract year, but section 7(b) appears to require information respecting benefit payments to be furnished on the basis of the plan's reporting year. In many instances these 2 years are not coincidental with the result that many insured plans, through no fault of their own, have difficulty meeting the act's reporting requirements.

(b) Paragraph (2) of section 7(d) in its present form has also proved burdensome, particularly to the Government. This provision requires every plan which section 7(d) covers to attach to its annual report a copy of the financial report of the carrier or service organization. Since some organizations service as many as several hundred plans, it is evident that the files of the Labor Department will be encumbered with a multitude of unneeded copies of the same report of the same organization or carrier.

(c) The two defects outlined above would be remedied by the proposed amendment to section 5(a) included in the bill. This section deals with the duty of plan administrators to disclose and report information. New language would be added to the section to take care of situations where specific information required by the statute cannot, in the normal method of the plan's operations, be practicably ascertained or made available for public inspection in the manner or for the period prescribed by any provision of the act. It also would take care of situations where the information if published would be duplicative or uninformative. The amendment would thus authorize the Secretary of Labor, where he finds after hearing that such a situation exists, to prescribe by regulations such other method or such other period for the publication of the particular information as may be appropriate to carry out the act's purposes.

(d) An amendment to subparagraph (C) of section 7(f) (1) of the act would conform the basis for valuation of securities thereunder to that specified under subparagraph (B).

(e) Section 6(b) of the act requires that all amendments to a plan's organization or procedures must be incorporated in the description published by the administrator. It fails, however, to prescribe any time limit for doing this. The bill would require that any change in the information required to be reported to the Secretary must be reported when the plan files its next annual report.

(f) The bill would broaden the term "party in interest" used in subparagraphs (C) and (D) of section 7(f) (1), by eliminating certain language from these subparagraphs and adding a broad definition of the term to section 3. The persons included within the term would correspond to those to whom the new conflict-of-interest provision applies which is included in section 17(a) of the present bill.

#### PROPOSED AMENDMENT TO TITLE V OF THE AGRICULTURAL ACT OF 1949, AS AMENDED

Mr. McCARTHY. Mr. President, on behalf of myself and Senators HUMPHREY, YOUNG of Ohio, and DOUGLAS, I introduce, for appropriate reference, a bill to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States, and for other purposes.

The Mexican farm labor program—Public Law 78—was established as a temporary measure in 1951 at the time of the Korean conflict. Under the law the U.S. Government has entered into agreements with the Republic of Mexico to regulate the conditions under which the Mexican agricultural workers can be employed in the United States. The contract provides a number of benefits for Mexican nationals: Payment of transportation costs, free housing which must meet minimum standards, a guarantee of work opportunities for at least three-fourths of the work days in the contract period, insurance to cover major occupational hazards, and wage guarantees. The Mexican Government has set a minimum of 50 cents per hour for Mexican nationals employed under contract for work in this country.

It is important to recall that Public Law 78 is an enabling act. It is a voluntary program. It does not impose any obligations on any farmer, unless he chooses to use the program, and in general it does not carry any penalties except denial of the use of the service.

On the other hand, it is reasonable and just that the good offices of the U.S. Government should not be used as an employment agency which would either exploit foreign workmen or would undercut wages, working conditions and employment opportunities of domestic workers. There is general agreement that the conditions of the Mexican nationals have considerably improved under the program.

The question now being raised is whether the growth and size of the program has had an adverse effect on domestic workers.

Public Law 78 has been extended on four occasions by the Congress, the most recent being at the close of the last session of Congress. At that time agreement was reached on the floor of the Senate for a 6-month extension, to December 31, 1961, with the understanding that at this session public hearings would be held and a careful review made of the program.

As Members of the Senate know, on May 11 the House of Representatives

approved a 2-year extension of Public Law 78—H.R. 2010—by a vote of 231-157, after amendments backed by the administration and incorporated in the Coad bill—H.R. 6032—had been defeated.

The bill which I am introducing today was drafted to implement the administration's recommendations with respect to modification and extension of the Mexican farm labor program. Its provisions are essentially the same as those of the Coad bill, previously introduced in the House.

The purpose of the amendments proposed in the bill is to provide more specific guidelines for the Department of Labor in carrying out the original intent of Congress. Section 503 of Public Law 78, as adopted in 1951, states:

No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Over the past 10 years the Department of Labor has issued a number of regulations to implement this directive of the Congress. Yet there has been extensive testimony from many sources that the Mexican farm labor program has had an adverse effect on wages and working conditions of domestic workers. In 1959 a special group of consultants was appointed by Secretary Mitchell to study the program. The members were former U.S. Senator Edward Thye, Dr. Rufus B. von Kleinsmid, chancellor of the University of Southern California, Glenn E. Garrett, chairman of the Texas Council of Migrant Labor, and Msgr. George Higgins, director of the social action department of the National Catholic Welfare Conference. The consultants agreed that adverse effect on domestic workers had taken place, and they recommended against extension of the program unless Public Law 78 were substantially amended so as to prevent adverse effect, insure utilization of the domestic work force, and limit the use of Mexicans to unskilled seasonal jobs. In the last session, Secretary of Labor Mitchell opposed extension of the program unless it were amended.

The new administration is also firmly opposed to extension of Public Law 78 unless it is accompanied by substantial reforms. Secretary of Labor Goldberg stated recently:

Evidence accumulated by the Department of Labor proves beyond doubt that the mass importation of Mexican labor has had, and is having, an adverse effect on the wages, working conditions, and employment opportunities of U.S. farmworkers.

Assistant Secretary of Labor Jerry R. Holleman pointed out the difficulties in implementing the existing law in his testimony before the Subcommittee on



Equipment, Supplies and Manpower of the House Committee on Agriculture, March 17, 1961. He stated:

In spite of the diligent efforts of the Department of Labor and its affiliated State employment security agencies to give meaning and effect to these provisions, evidence has been accumulating which shows that the Mexican labor program has adversely affected the position of domestic agricultural workers. Studies of the Department of Labor demonstrate that wages in the majority of areas where foreign workers are employed have not kept pace with the rise of farm wage rates nationally. The reasons for this are inherent in the present provisions of the law. There is no indication of what specific standards are to be used to overcome the automatic adverse effect of the pressures of an inexhaustible supply of labor on the operations of a free labor market. All too often we have found ourselves in litigation challenging the validity of the Department's policies and criteria to prevent such adverse effect. Even today a suit challenging the validity of a policy which would require the payment of wages which would produce earnings as low as 50 cents an hour is pending in the courts.

Mr. President, I do not believe that it is necessary to impute motives to or to place the blame on any one group for the adverse effects resulting from this program. I do not suggest that the Department of Labor has been derelict in its duty or that the growers using Mexican nationals are unprincipled and indifferent to human needs. Nor do I believe that the Congress in 1951 could have foreseen all the consequences of this program. But I believe that we have a responsibility, after 10 years of experience with it, to review the program most carefully and to provide the necessary guidelines to improve it.

In making this decision, I believe that there are a number of facts which we must keep in mind.

First. The Mexican farm labor program expanded rapidly. In 1952, fewer than 200,000 Mexican nationals entered the United States, but from 1956 through 1959 the number was over 400,000 annually. In 1960, the number declined to 315,000 but this appears to represent increased automation, particularly in the harvest of cotton, rather than decreased proportionate reliance on Mexican nationals—see table I.

Second. The expansion of the Mexican farm labor program has taken place during a period of declining employment of hired farm workers—see table II. Rural unemployment and underemployment have increased, and the underemployment of rural people has been estimated as the equivalent of 1,400,000 fully unemployed workers. Table III—from House Report 274, page 3—shows the seasonal composition of the farm labor

force in 1960 on a monthly basis, including the number of Mexican nationals.

Third. The impact of the Mexican farm labor program is not spread evenly. About 54 percent of the U.S. farms use no hired labor, and the farms using Mexican nationals constitute about 2 percent of the U.S. farms. However, the farms using Mexican nationals are heavily concentrated, with about 12 percent of the farms in California, Arizona and New Mexico making use of such workers. Of all the farms using Mexicans, about 70 percent are in two States: Texas and California. Mexican nationals are employed in some 1000 crop areas in 1960 in several States, but in a majority of these States their number was not significant—see table IV.

The bill which I am introducing would extend the Mexican farm labor program for 2 years, until December 31, 1963. It incorporates the administration's recommendations for providing the Department of Labor with more and clearer standards designed to prevent the program from having adverse effect upon the wages, working conditions, and employment opportunities of domestic farmworkers. The provisions are similar to those proposed in the past, with the addition of a new section to establish a wage formula. I ask unanimous consent that a memo from the Department of Labor explaining the reasons and effects of this section be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

#### THE WAGE AMENDMENT

Section 505 of the proposed amendment would require employers who wish to employ foreign Mexican workers and are offering less than average wages to:

1. Bring their wages, in yearly steps of not more than 10 cents an hour, up to the state or national farm wage average, whichever average is lower.

(Employers would in no case be required by the amendment to raise their wage offers by more than 10 cents per hour in any one year or to raise their wage offers to more than the lesser of the state average farm wage or the national average. Where the wage offer thus determined is less than the wage already prevailing in the area for the activity, the prevailing wage must, of course, be offered and paid.)

The reasons for the amendment are as follows:

1. It is necessary in order to fulfill the congressional intent, expressed when Public Law 78 was first enacted, that Mexicans not be used where their employment would adversely affect the wages of U.S. farmworkers. Despite vigorous efforts of the Department of Labor, it is now clear that adverse effects have been substantial in many areas.

2. Farm wages in activities and areas using braceros have lagged materially be-

hind farm wages generally. In some cases wages have actually declined in the face of labor shortages met by use of braceros. In many areas the wage offered has remained at 50 cents per hour, unchanged for almost 10 years. In this respect, the Mexican labor programs seems clearly to have adversely affected wages of U.S. workers. It seems also to have created unfair competition for farmers in the great majority of areas where farm wages have risen more normally in response to labor stringencies, often to \$1 per hour or more.

3. The only visible solution to these adverse effects, if Public Law 78 is to be continued, is to assure that Mexican labor availability is made dependent upon upward wage adjustments of the type that would occur if foreign workers were not used.

4. The rate at which such adjustments in wage levels are required should be decided by the Congress rather than by the Executive.

5. The formula proposed would simply cause wages in these activities to keep pace with farm wages generally. No employer willing to offer average wages would be deprived of needed braceros by this amendment.

The effect of the amendment. In the States where the wages offered by farmers using Mexican labor have continued to advance as would be expected in a normal labor market, the effects of the amendment will be negligible. Thus in States like California and Wisconsin, where the prevailing wage rates for employers authorized to use Mexicans are already above the national average farm wage rate of 97 cents per hour in many areas, this amendment would require no revision upward of the wage level.

The amendment's effects will be felt most in those States and areas in which wages have been most severely affected by the Mexican program. Thus in areas where wages in the activities employing Mexicans have failed to increase during the last 8 or 10 years, a significant increase would be necessary in order to "catch up" with the average State wage. In order to avoid wage increases so sharp as to be unnecessarily disruptive in such States, the amendment specifically limits the amount of wage increase required in any 1 year to 10 cents per hour.

A table presenting in more detail the effect of the amendment on wages in each of the States employing Mexicans at an hourly wage rate is attached (table V).

Mr. McCARTHY. Mr. President, I ask unanimous consent that the statistical tables referred to in my statement be printed in the RECORD and that the bill be printed at the conclusion of my remarks.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Minnesota? The Chair hears none, and it is so ordered.

(See exhibit 1.)

The tables ordered to be printed in the RECORD are as follows:



TABLE I.—Total number of foreign workers contracted or admitted to the United States for temporary agricultural employment, by year, 1951-60

Calendar year	Total	Mexican	British West Indies <sup>1</sup>	Canadian	Japanese <sup>1</sup>	Filipinos <sup>1</sup>	Calendar year	Total	Mexican	British West Indies <sup>1</sup>	Canadian	Japanese <sup>1</sup>	Filipinos <sup>1</sup>
1951.....	203,640	192,000	9,040	2,600	-----	-----	1956.....	459,850	445,197	7,563	6,700	390	-----
1952.....	210,210	197,100	7,910	5,200	-----	-----	1957.....	452,205	436,049	8,171	7,300	652	33
1953.....	215,321	201,380	7,741	6,200	-----	-----	1958.....	447,513	432,857	7,441	6,900	315	0
1954.....	320,737	309,033	4,704	7,000	-----	-----	1959.....	455,420	437,643	8,772	8,600	400	5
1955.....	411,966	398,650	6,616	6,700	-----	-----	1960.....	334,729	315,846	9,820	8,200	863	0

<sup>1</sup> Due to carryover of workers from year to year, the number admitted is usually less than peak employment.  
Employment of Filipinos remained relatively constant throughout the year.

Source: Administrative reports, Bureau of Employment Security; figures for Canadians, Japanese, and Filipinos are approximations.

TABLE II.—Average number of workers employed on farms, United States, 1951-60

[Thousands]

Year	Total	Farm operators and unpaid family workers	Hired workers	Year	Total	Farm operators and unpaid family workers	Hired workers	Year	Total	Farm operators and unpaid family workers	Hired workers
1951.....	9,546	7,310	2,236	1955.....	8,364	6,347	2,017	1958.....	7,525	5,570	1,955
1952.....	9,149	7,005	2,144	1956.....	7,820	5,899	1,921	1959.....	7,384	5,459	1,925
1953.....	8,864	6,775	2,089	1957.....	7,577	5,682	1,895	1960.....	7,118	5,249	1,869
1954.....	8,639	6,579	2,060								

Source: U.S. Department of Agriculture, Statistical Reporting Service, Farm Labor.

TABLE III.—Seasonal composition of farm labor force in 1960

[Thousands of workers]

Month	Total farm labor force <sup>1</sup>	Farmers and family labor <sup>1</sup>	All hired workers <sup>1</sup>	Seasonal workers				Month	Total farm labor force <sup>1</sup>	Farmers and family labor <sup>1</sup>	All hired workers <sup>1</sup>	Seasonal workers			
				Total <sup>2</sup>	Local <sup>2</sup>	Domestic migrants <sup>2</sup>	Mexican nationals <sup>2</sup>					Total <sup>2</sup>	Local <sup>2</sup>	Domestic migrants <sup>2</sup>	Mexican nationals <sup>2</sup>
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
January.....	5,006	4,139	867	343	233	42	65	July.....	8,416	5,569	2,847	1,200	784	293	118
February.....	5,305	4,321	984	328	218	38	60	August.....	8,344	5,694	2,650	1,112	716	263	128
March.....	5,994	4,763	1,231	309	205	34	60	September.....	9,120	6,283	2,837	1,282	848	251	168
April.....	7,151	5,507	1,644	417	284	52	70	October.....	8,283	5,965	2,318	1,316	823	256	227
May.....	7,725	5,758	1,967	766	543	114	97	November.....	6,593	5,075	1,518	743	463	119	152
June.....	8,271	5,627	2,644	1,225	867	222	128	December.....	5,206	4,285	921	405	260	58	75

<sup>1</sup> From Farm Labor, published monthly by U.S. Department of Agriculture.

<sup>2</sup> From Farm Labor Market Developments, published monthly by U.S. Department of Labor.

Entries in col. (5) include a few foreign workers not shown in cols. (6), (7), and (8).

TABLE IV.—Employment of Mexican nationals—Selected data

	Number of farms using Mexican workers, 1959		Peak employment of Mexican workers, 1959 <sup>1</sup>	Domestic-worker employment on date of peak employment of Mexican workers, 1960			Number of farms using Mexican workers, 1959		Peak employment of Mexican workers, 1959 <sup>1</sup>	Domestic-worker employment on date of peak employment of Mexican workers, 1960	
	Number of farms	As percent of all farms		Total	In areas and activities in which Mexicans were employed <sup>1</sup>		Number of farms	As percent of all farms		Total	In areas and activities in which Mexicans were employed <sup>1</sup>
Total, United States.....	48,788	1.3	234,171	1,136,720	-----	Wisconsin.....	213	.2	1,004	9,759	5,222
Total, all States using Mexicans.....	48,788	2.1	-----	-----	-----	Tennessee.....	65	(2)	659	37,347	6,391
Texas.....	22,310	9.8	103,680	205,794	178,814	Indiana.....	46	(2)	612	6,852	1,208
California.....	12,176	12.3	73,430	159,150	124,850	Missouri.....	206	.1	469	29,220	29,220
Arkansas.....	2,641	2.8	31,296	67,360	58,214	Utah.....	211	1.2	426	6,849	3,949
Arizona.....	923	12.8	14,312	24,763	17,475	Oregon.....	15	(2)	349	20,410	1,395
New Mexico.....	1,888	11.9	11,257	3,684	1,004	Illinois.....	3	(2)	234	11,205	817
Michigan.....	3,921	3.5	11,151	66,546	17,426	South Dakota.....	76	.1	229	508	288
Colorado.....	2,060	6.2	6,539	14,230	8,359	Kentucky.....	9	(2)	179	20,272	1,621
Montana.....	749	2.6	2,563	8,606	2,793	Iowa.....	10	(2)	126	19,462	144
Nebraska.....	562	.6	2,310	5,429	2,282	Nevada.....	27	1.1	121	605	174
Georgia.....	102	.1	1,264	57,837	10,302	Minnesota.....	21	(2)	97	4,888	2,212
Wyoming.....	536	5.5	1,213	4,328	2,623	Washington.....	(3)	(3)	60	37,919	1,840
						North Dakota.....	13	(2)	56	9,427	302
						Kansas.....	5	(2)	22	41,478	1,603

<sup>1</sup> Since peaks occur at different dates, items in this column are not additive.

<sup>2</sup> Less than 0.05 percent.

<sup>3</sup> No Mexican nationals employed in 1959.

Source: U.S. Department of Labor, Bureau of Employment Security.



TABLE V.—Proposed wage standards for Mexican labor program indicators of impact

State <sup>2</sup>	Average hourly rate without room and board, USDA, 1960	Hourly wage rates paid U.S. workers in activities in which Mexicans are employed			State <sup>2</sup>	Average hourly rate without room and board, USDA, 1960	Hourly wage rates paid U.S. workers in activities in which Mexicans are employed		
		Under present law <sup>1</sup>		Under proposed amendment, lowest rate for employers authorized to use Mexicans in 1963 <sup>3</sup>			Under present law <sup>1</sup>		Under proposed amendment, lowest rate for employers authorized to use Mexicans in 1963 <sup>3</sup>
		Lowest rate for employers authorized to use Mexicans	Most common rate for employers authorized to use Mexicans				Lowest rate for employers authorized to use Mexicans	Most common rate for employers authorized to use Mexicans	
(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
Arizona.....	\$0.97	\$0.70	\$0.70	\$0.90	Minnesota.....	\$1.10	\$0.75	\$0.75	\$0.95
Arkansas.....	.73	.35	.50	.70	Missouri.....	.99	.50	.50	.70
California.....	1.23	.75	1.00	.95	Nebraska.....	1.10	.85	.85	1.97
Colorado.....	1.09	.65	.75	.85	Nevada.....	1.24	.75	.75	.95
Illinois.....	1.10	.75	.75	.95	New Mexico.....	.85	.60	.60	.80
Indiana.....	1.06	.75	.80	.95	Tennessee.....	.63	.50	.50	.63
Kansas.....	1.12	.85	.85	1.97	Texas.....	.78	.40	.50	.70
Kentucky.....	.82	.50	.50	.70	Utah.....	1.19	.75	.75	.95
Michigan.....	1.07	.75	.85 and 1.00	.95	Wisconsin.....	1.09	.80	1.00	1.97

<sup>1</sup> Based upon U.S. Department of Labor surveys to determine the prevailing wage.

<sup>2</sup> The States in which Mexican nationals are employed at hourly wage rates.

<sup>3</sup> Rates for 1963 are shown here because, with a 2-year extension of the program, that is the year in which Congress would be reviewing the program.

<sup>4</sup> 97 cents was the average hourly farm wage rate for the Nation in 1960. In 1963, the pertinent figure (the average for 1962) will, of course, be different, probably somewhat higher. Between 1959 and 1960, the average hourly farm wage rate rose 2 cents per hour.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the bill lie on the desk through Thursday next for additional sponsors.

The PRESIDENT pro tempore. The bill will be received and appropriately referred; and, without objection, the bill will lie on the desk, as requested.

The bill (S. 1945) to amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States, and other purposes, introduced by Mr. McCARTHY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

#### EXHIBIT 1

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 502(2) of the Agricultural Act of 1949, as amended, is amended to read as follows: "(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker; and".

SEC. 2. Section 503 of such Act is amended by changing the comma at the end of clause numbered "(2)" to a period, deleting the word "and" and clause numbered "(3)", and substituting the following in place thereof: "As an additional means of carrying out his responsibilities under this section, the Secretary may, in order to provide such active competition in the labor market as is necessary to assure that wages and working conditions of domestic workers are not adversely affected, limit the number of foreign workers who may be employed by any employer."

SEC. 3. Sections 504 through 509 of such Act are renumbered sections "506" through "511" respectively; the reference to "section 507" in section 508, renumbered as section "510", is changed to section "509"; and the following new sections "504" and "505" are inserted after section 503:

"SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

"(1) unless the employer has made reasonable efforts to attract domestic workers at terms and conditions of employment reasonably comparable to those offered to foreign workers and is furnishing such terms and conditions to domestic workers in his employ;

"(2) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship, or

"(3) for employment involving the operation of power driven machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.

"SEC. 505. (a) No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to such workers wages equivalent to the average farm wage in the State in which the area of employment is located, or the national farm wage average, whichever is the lesser: *Provided*, That for the purposes of this paragraph a wage offer equivalent to 10 cents per hour above the highest wage rate prevailing during the last previous season in which workers recruited under this title were employed in the area and in the activity involved, shall be deemed to fulfill the requirements of this paragraph: *Provided further*, That in no event shall such workers be permitted to be employed by any employer who is paying domestic workers less than he offers workers recruited under this title for the activity in the area.

"(b) The determination of the average farm wage in a State and the national farm wage average required in (a) above shall be made by the Secretary of Labor, after consultation with the Secretary of Agriculture. In making these determinations, the Secretary of Labor shall consider, among other relevant factors, the applicable average farm wage rate per hour for workers who do not receive board and room, or such other appropriate information and data as may be available."

SEC. 4. Paragraph (1) of section 507 of such Act, renumbered as section "509" is amended by changing the comma after the words "Internal Revenue Code, as amended" to a period and deleting the remainder of the paragraph.

SEC. 5. Section 509 of such Act, as amended, renumbered as section "511", is amended by striking "December 31, 1961" and inserting "December 31, 1963."

#### UNJUSTIFIED INCREASES IN NATURAL GAS PRICES

Mr. CARROLL. Mr. President, I introduce, for appropriate reference, a bill to amend section 4(e) of the Natural Gas Act. Under the terms of this bill, no rate increase for an interstate natural-gas pipeline company could become effective until it received the approval of the Federal Power Commission.

Many bills have sought to alleviate the hardships imposed upon consumers and distributing companies by the piling of rate increase upon rate increase in the gas industry. These bills have usually sought to prevent a second increase from becoming effective until an initial application has been approved. Other bills propose to lengthen the permissible period suspension from 5 to 12 or more months. I wholeheartedly support such proposed legislation. I do so even though I know these attempted solutions are merely compromises and at best palliatives.

Even though I support such bills, I am convinced that we would do better to face this issue head on. I urge a return to the fundamental and time-honored principles upon which effective rate regulation has in the past depended. The underlying theory of effective rate regulation has been the law's recognition of the fact that public utility rates are the result of hammering out the basic facts in a hard-fought adversary proceeding. Once a decision has become final, it should stand until it has been demonstrated that changed conditions have made it unfair.

Under the existing laws, the Federal Power Commission cannot suspend rate increases for more than 5 months. This has allowed natural gas pipelines to file enormously padded applications for increased rates, to put those rates into effect, and to collect great sums of money from the consumers. This money is then used by the pipeline company as though it were the pipeline's own equity capital. I do not think the fact that the pipelines have used unjustified rate increases

87TH CONGRESS  
1ST SESSION

# S. 1945

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## IN THE SENATE OF THE UNITED STATES

MAY 23, 1961

MR. MCCARTHY (for himself, Mr. HUMPHREY, Mr. YOUNG of Ohio, Mr. DOUGLAS, Mr. HART, Mr. PROXMIRE, Mr. DODD, Mr. CLARK, Mr. MORSE, Mr. GRUENING, Mr. KEFAUVER, Mr. CASE of New Jersey, Mr. BARTLETT, Mr. MUSKIE, Mr. LONG of Hawaii, and Mr. BURDICK) introduced the following bill; which was read twice and referred to the Committee on Agriculture and Forestry

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## A BILL

To amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States, and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 502 (2) of the Agricultural Act of 1949, as  
4       amended, is amended to read as follows: “(2) to reimburse  
5       the United States for essential expenses incurred by it under  
6       this title, except salaries and expenses of personnel engaged



1 in compliance activities, in amounts not to exceed \$15 per  
2 worker; and”.

3 SEC. 2. Section 503 of such Act is amended by chang-  
4 ing the comma at the end of clause numbered “(2)” to a  
5 period, deleting the word “and” and clause numbered  
6 “(3)”, and substituting the following in place thereof: “As  
7 an additional means of carrying out his responsibilities under  
8 this section, the Secretary may, in order to provide such  
9 active competition in the labor market as is necessary to  
10 assure that wages and working conditions of domestic work-  
11 ers are not adversely affected, limit the number of foreign  
12 workers who may be employed by any employer.”

13 SEC. 3. Sections 504 through 509 of such Act are re-  
14 numbered sections “506” through “511” respectively; the  
15 reference to “section 507” in section 508, renumbered as  
16 section “510”, is changed to section “509”; and the follow-  
17 ing new sections “504” and “505” are inserted after sec-  
18 tion 503:

19 “SEC. 504. No workers recruited under this title shall  
20 be made available to any employer or permitted to remain  
21 in the employ of any employer—

22 “(1) unless the employer has made reasonable ef-  
23 forts to attract domestic workers at terms and condi-  
24 tions of employment reasonably comparable to those

1        offered to foreign workers and is furnishing such terms  
2        and conditions to domestic workers in his employ;

3            “(2) for employment in other than temporary or  
4        seasonal occupations, except in specific cases when found  
5        by the Secretary of Labor necessary for a temporary  
6        period to avoid undue hardship; or

7            “(3) for employment involving the operation of  
8        power driven machinery, except in specific cases when  
9        found by the Secretary of Labor necessary for a tempo-  
10       rary period to avoid undue hardship.

11        “SEC. 505. (a) No workers recruited under this title  
12       shall be made available to any employer or permitted to re-  
13       main in the employ of any employer unless the employer of-  
14       fers and pays to such workers wages equivalent to the aver-  
15       age farm wage in the State in which the area of employment  
16       is located, or the national farm wage average, whichever is  
17       the lesser: *Provided*, That for the purposes of this paragraph  
18       a wage offer equivalent to 10 cents per hour above the high-  
19       est wage rate prevailing during the last previous season in  
20       which workers recruited under this title were employed in  
21       the area and in the activity involved, shall be deemed to ful-  
22       fill the requirements of this paragraph: *Provided further*,  
23       That in no event shall such workers be permitted to be em-  
24       ployed by any employer who is paying domestic workers less



1 than he offers workers recruited under this title for the ac-  
2 tivity in the area.

3 “(b) The determination of the average farm wage in a  
4 State and the national farm wage average required in (a)  
5 above shall be made by the Secretary of Labor, after con-  
6 sultation with the Secretary of Agriculture. In making these  
7 determinations, the Secretary of Labor shall consider, among  
8 other relevant factors, the applicable average farm wage rate  
9 per hour for workers who do not receive board and room,  
10 or such other appropriate information and data as may be  
11 available.”

12 SEC. 4. Paragraph (1) of section 507 of such Act, re-  
13 numbered as section “509” is amended by changing the  
14 comma after the words “Internal Revenue Code, as  
15 amended” to a period and deleting the remainder of the  
16 paragraph.

17 SEC. 5. Section 509 of such Act, as amended, renum-  
18 bered as section “511”, is amended by striking “December  
19 31, 1961” and inserting “December 31, 1963”.





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## A BILL

---

To amend title V of the Agricultural Act of 1949, as amended, to provide, in connection with the employment of workers from Mexico, protection for the employment opportunities of agricultural workers in the United States, and for other purposes.

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By Mr. McCARTHY, Mr. HUMPHREY, Mr. YOUNG of Ohio, Mr. DOUGLAS, Mr. HART, Mr. PROXMIRE, Mr. DODD, Mr. CLARK, Mr. MORSE, Mr. GRUENING, Mr. KEFAUVER, Mr. CASE of New Jersey, Mr. BAILEY, Mr. MUSKIE, Mr. LONG of Hawaii, and Mr. BURDICK

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MAY 23, 1961

Read twice and referred to the Committee on  
Agriculture and Forestry







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
should not be quoted  
or cited)

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87th-1st, No. 120

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**HIGHLIGHTS:** House committee approved farm bill. Both Houses agreed to conference report on agricultural appropriation bill. Senate subcommittee approved bill to extend Mexican farm labor program. Sen. McCarthy urged legislation for higher wages for Mexican farm laborers. Sen. Williams, Del., criticized feed grains program. Sen. Anderson announced joint committee hearings on water resources bill for July 26. Senate committee reported legislative branch appropriation bill.

## SENATE

1. **AGRICULTURAL APPROPRIATION BILL, 1962.** Both Houses agreed to the conference report on this bill, H. R. 7444, and acted on amendments in disagreement (pp. 11854-7, 11929-32). This bill will now be sent to the President. Action was taken on the amendments in disagreement as follows:

Amendment No. 4: Concurred in the Senate amendment providing that this Department shall have first priority of available foreign currencies arising from Public Law 480 activities, and providing \$5,265,000 for ARS for the purchase of such foreign currencies for market development research in foreign countries and for agricultural and forestry research in cooperation with foreign countries.

Amendment No. 5: Concurred in the Senate amendment providing that the Secretary of Agriculture may purchase land at a price not in excess of \$10 for construction of ARS facilities at Columbia, Mo.



Amendment No. 17: Concurred in a substitute amendment by Rep. Whitten to provide that \$10,000,000 of the appropriation for the school lunch program shall be available for assistance under sec. 6 of the National School Lunch Act, in addition to amounts normally expended for commodity procurement under that section, \$2,500,000 of which may be distributed to provide special assistance to needy schools which because of poor local economic conditions (1) have not been operating a school lunch program or (2) have been serving free or at substantially reduced prices at least 20 percent of the lunches to the children.

Amendment No. 19: Concurred in the Senate amendment providing that this Department shall have first priority to available foreign currencies arising from Public Law 480 activities, and providing \$3,444,000 for FAS for the purchase of such currencies for market development activities in foreign countries.

Amendment No. 22: Concurred in the Senate amendment providing that the 1962 ACP program may include related wildlife conservation practices whenever these practices are included as a part of the conservation program.

Amendment No. 23: Concurred in a substitute amendment by Rep. Whitten providing that hereafter not to exceed 10 percent (rather than 15 percent as proposed by the Senate) of the basic allocation of ACP funds for any State may be used to increase the State's preceding program.

Amendment No. 35: Concurred in the Senate amendment providing that the Secretary may transfer additional amounts to the appropriation for the Office of the General Counsel from other appropriations available to the Department for salaries and expenses for the current fiscal year, but that the appropriation for OCC shall not be increased by more than 7 percent by reason of such transfers.

Amendment No. 38: Concurred in the Senate amendment providing \$100,000 for planning, promoting, coordinating, and assisting participation by industry, trade associations, commodity groups, and similar interests in the celebration of the centennial of the establishment of the Department of Agriculture, including not to exceed \$20,000 for additional printing costs of the 1962 Yearbook of Agriculture.

2. FARM LABOR; LIVESTOCK DISEASES. The Subcommittee on Agricultural Research and General Legislation of the Agriculture and Forestry Committee approved for full committee consideration S. 860, to grant the Secretary of Agriculture additional authority for protection against the introduction and dissemination of diseases of livestock and poultry, and, with an amendment in the nature of a substitute, H. R. 2010, to extend the Mexican farm labor program. p. D582

Sen. McCarthy urged modification of the Mexican farm labor program to provide that growers, to be eligible to contract for Mexican nationals, must offer them wages at least equivalent to the average hourly farm wage in the State, or the national farm wage average, whichever is lesser, stated that this "provides an objective and reasonable criterion," and inserted several items on this matter. pp. 11955-7

3. PERSONNEL; MOTOR VEHICLES. The "Daily Digest" states that a subcommittee of the Judiciary Committee approved for "full committee consideration H. R. 2883 (S. 202), providing for defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment (amended)." p. D583



New Mexico were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. ELLENDER (when his name was called). On this vote, I have a pair with the junior Senator from Rhode Island [Mr. PELL]. If the Senator from Rhode Island were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. MANSFIELD (when his name was called). On this vote, I have a pair with the distinguished minority leader, the Senator from Illinois [Mr. DIRKSEN]. If the Senator from Illinois were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Hawaii [Mr. LONG] is absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that the Senator from Rhode Island [Mr. PELL] is absent due to a death in his family.

I further announce that, if present and voting, the Senator from Hawaii [Mr. LONG] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Kentucky [Mr. COOPER] and the Senator from Illinois [Mr. DIRKSEN] are absent because of illness. The pair of the Senator from Illinois has previously been announced.

The Senator from Wisconsin [Mr. WILEY] is absent on official business.

The Senator from Vermont [Mr. PROUTY] is necessarily absent.

The result was announced—yeas 36, nays 54, as follows:

[No. 100]

YEAS—36

Allott	Curtis	Morton
Bennett	Ervin	Mundt
Boggs	Fong	Robertson
Bridges	Goldwater	Russell
Bush	Hickenlooper	Saltonstall
Butler	Holland	Schoeppel
Byrd, Va.	Hruska	Scott
Capehart	Jordan	Smathers
Carlson	Keating	Talmadge
Case, N.J.	Long, La.	Thurmond
Case, S. Dak.	McClellan	Tower
Cotton	Miller	Williams, Del.

NAYS—54

Aiken	Hart	Metcalf
Anderson	Hartke	Monroney
Bartlett	Hayden	Morse
Bible	Hickey	Moss
Burdick	Hill	Muskie
Byrd, W. Va.	Humphrey	Neuberger
Cannon	Jackson	Pastore
Carroll	Javits	Proxmire
Church	Johnston	Randolph
Clark	Kefauver	Smith, Mass.
Dodd	Kerr	Smith, Maine
Douglas	Kuchel	Sparkman
Dworshak	Lanphe	Stennis
Eastland	Long, Mo.	Symington
Engle	Magnuson	Williams, N.J.
Fulbright	McCarthy	Yarborough
Gore	McGee	Young, N. Dak.
Gruening	McNamara	Young, Ohio

NOT VOTING—10

Beall	Ellender	Pell
Chavez	Long, Hawaii	Prouty
Cooper	Mansfield	Wiley
Dirksen		

So Mr. HICKENLOOPER's amendment was rejected.

Mr. PASTORE. Madam President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. JACKSON. Madam President, I move to lay that motion on the table.

The PRESIDING OFFICER (Mrs. NEUBERGER in the chair). The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

#### INDEXING AND MICROFILMING OF CERTAIN RECORDS

Mr. BARTLETT. Madam President, I ask the Presiding Officer to lay before the Senate the amendment of the House of Representatives to S. 1644.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1644) to provide for the indexing and microfilming of certain records of the Russian Orthodox Greek Catholic Church in Alaska in the collections of the Library of Congress, which was, on page 2, strike out all after "copies." in line 9 down through and including "States." in line 11.

Mr. BARTLETT. Madam President, I move that the Senate concur in the amendment of the House of Representatives.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Alaska.

The motion was agreed to.

#### MEXICAN FARM LABOR PROGRAM

Mr. McCARTHY. Madam President, the question of the extension of the Mexican farm labor program—Public Law 78—will come before the Senate in this session.

There are those who advocate the elimination of the program and others who want it continued undisturbed for 2 more years as provided in the bill already approved by the House of Representatives—H.R. 2010.

The administration bill, S. 1945, takes a middle position. It extends the program for 2 more years but it incorporates safeguards recommended by the administration to prevent the program from having an adverse effect on the wages and working conditions of domestic migratory workers.

One of the important amendments provides that growers, to be eligible to contract for Mexican nationals, must offer them wages at least equivalent to the average hourly farm wage in the State, or the national farm wage average, whichever is the lesser. In no case would an employer be required in the first year to offer more than 10 cents per hour above the highest wage prevailing during the last previous season under which Mexican nationals were employed in the area and in the activity involved.

In my judgment, this provides an objective and reasonable criterion. It takes into account differences which now exist between the States. It provides for orderly adjustment.

I should like to emphasize, also, that this amendment does not impose any regulation on any grower. No grower is required to pay any worker any rate, unless he wishes to use his Government as an agency to import Mexican na-

tionals for agricultural work. If he does wish to use this service, then he must, of course, meet certain minimum standards to guarantee that domestic workers will not be adversely affected in their wages and working conditions.

The need for this amendment rests on a question of fact: whether there is evidence that wages and working conditions of domestic workers have been lowered or have failed to advance in some proportion to those in the rest of the economy.

Hearings on the extension of the Mexican farm labor program have been held by the Subcommittee on Agricultural Research and General Legislation of the Senate Committee on Agriculture, of which the Senator from North Carolina [Mr. JORDAN] is chairman.

At the hearings the Secretary of Labor Goldberg stated that the Mexican farm labor program has had an adverse effect on domestic migratory workers and that the administration is opposed to extension of the program without amendments. He stated that in some areas Mexican nationals are still receiving the 50 cents per hour minimum allowed by the Republic of Mexico. Other testimony was given which indicated that in some places domestic workers received even lower wages. I wrote to Secretary Goldberg and asked him to check on this matter. In his reply he listed areas in which domestic workers this year have been receiving as low as 30 cents per hour.

I ask unanimous consent that my letter and his reply be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

JUNE 30, 1961.

The Honorable ARTHUR J. GOLDBERG,  
Secretary of Labor,  
Washington, D.C.

DEAR MR. SECRETARY: When you testified concerning the extension of Public Law 78 before the Subcommittee on General Legislation of the Senate Committee on Agriculture, you included a statement that in a few States the Mexican workers brought in under the Mexican farm labor program were receiving hourly wages of only 50 cents per hour in 1960 and that this wage had remained unchanged for 10 years.

Other testimony before the committee indicated that some U.S. farm workers are paid less than 50 cents per hour for some specific activities in areas where Mexican workers are employed at 50 cents per hour.

I would appreciate your comment on the accuracy of the statement that some U.S. workers are receiving less than 50 cents per hour in these areas. Does the Department have a list of areas and activities in which Mexican workers are employed and in which U.S. workers are paid less than 50 cents per hour? I would also appreciate your judgment as to whether the wage rates paid to U.S. workers in such areas are showing signs of the increase which should be expected in such low wage situations.

Sincerely yours,

EUGENE J. McCARTHY.

U.S. DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., July 11, 1961.

HON. EUGENE J. McCARTHY,  
U.S. Senate, Washington, D.C.

DEAR SENATOR McCARTHY: I am presenting herewith the information requested by your



letter of June 30 with respect to areas in which Mexican nationals are being employed despite wage levels lower than 50 cents per hour among U.S. workers.

The areas and activities of Mexican employment in which a wage of less than 50 cents per hour has been found to prevail among domestic workers thus far in 1961 are as follows:

State, area, and activity	Date of wage finding	Prevailing wage rate
<b>ARKANSAS</b>		
Crittenden County: Cotton chopping	June 9	\$0.30
Mississippi County: Cotton chopping	do	.40
Phillips County: Cotton chopping	June 7	.30
<b>TEXAS</b>		
Lower Rio Grande Valley: All crops, hoeing	Apr. 27	.40-.45
Cucumber, picked bulk	May 3	.45
Maverick County: Cauliflower, cut and pack in field	Feb. 14	.40

There may, of course, be other areas in which wages paid on a piece-rate basis are yielding less than 50 cents per hour to average U.S. workers.

I am also enclosing the full list of areas and activities of Mexican employment in which the prevailing wage rate among U.S. workers is 50 cents per hour or less.

With regard to your final question, we are unable to conclude that wages in the very low-wage Mexican-employing areas are showing marked improvement. So far this year 18 area wage surveys have revealed prevailing wage rates lower than on the comparable date a year ago. All but four of these wage declines were in States where the typical hourly rate is 50 cents or less. Furthermore, in three out of the six exceptionally low-wage areas listed above (including both of the 30-cent per hour areas), the latest wage finding represents a decline from the prevailing wage rate in the preceding year. In short, it appears that wage-depressive tendencies in areas using Mexican labor are strongest and most harmful in the areas in which wages are already exceptionally low.

Yours sincerely,

ARTHUR J. GOLDBERG,  
Secretary of Labor.

*Farm wage rates of 50 cents per hour or less in 1961 in activities employing Mexican contract workers, by State and area*

State, area, and activity	Date of wage finding	Prevailing wage rate
<b>ARKANSAS</b>		
Craighead County: Cotton chopping	June 9	\$0.50
Crittenden County: Cotton chopping	do	1.30
Mississippi County: Cotton chopping	do	1.40
Phillips County: Cotton chopping	June 7	1.30
Poinsett County: Cotton chopping	June 19	.50
<b>TENNESSEE</b>		
Lake County multicrop: Cotton and soybean chopping	June 6	.50
<b>TEXAS</b>		
Lower Rio Grande multicrop: All crops, hoeing	Apr. 27	1.40-.45
Asparagus, cut, bulk	Mar. 10	.50
	Mar. 22	.50
	Apr. 7	.50
Cabbage, cut, bulk	Jan. 26	.50
	Feb. 9	.50
	Feb. 24	.50
	Mar. 10	.50

Footnote at end of table.

*Farm wage rates of 50 cents per hour or less in 1961 in activities employing Mexican contract workers, by State and area*  
Continued

State, area, and activity	Date of wage finding	Prevailing wage rate
<b>TEXAS—continued</b>		
Lower Rio Grande—Con. Cauliflower, cut, bulk	Jan. 26	\$0.50
	Feb. 9	.50
	Feb. 24	.50
Celery, cut and pack in field	Feb. 9	.50
	Mar. 10	.50
Cucumber, picked, bulk	May 3	1.45
	May 17	.50
	May 31	.50
Lettuce:		
Cut, pack, and load	Feb. 24	.50
Cut, pack, seal, and load	Jan. 12	.50
	Jan. 26	.50
	Feb. 24	.50
	Mar. 10	.50
Onions, dry, pull only	Mar. 22	.50
	Apr. 7	.50
	Apr. 20	.50
Peppers, bell, cut, bulk	May 3	.50
Squash, bulk	May 17	.50
Maverick County multicrop: All crops, hoeing	June 14	.50
Cauliflower:		
Cut, bulk	Jan. 17	.50
	Feb. 14	.50
Cut and pack	Jan. 17	.50
Cut and pack in field	Feb. 14	1.40
	Mar. 1	.50
Winter garden multicrop: All crops, hoeing	May 24	.50
Broccoli, cut, bulk	Feb. 21	.50
Cabbage, cut and pack in field	Jan. 10	.50
	Jan. 25	.50
	Mar. 29	.50
Cauliflower:		
Cut, bulk	Jan. 25	.50
Cut and pack	Jan. 10	.50
Lettuce, cut, bulk	Mar. 29	.50
Onions:		
Dry, pull only	Apr. 27	.50
	May 11	.50
Dry (medium), pull only	Apr. 12	.50
Green, pull, bulk	Feb. 21	.50

<sup>1</sup> Hourly wage rates paid Mexican nationals cannot be lower than 50 cents per hour.

Mr. McCARTHY. Madam President, the question of low-wage rates in some areas where Mexican nationals are used is also treated in a special report by Donald Janson, appearing in the New York Times, July 16, 1961. I ask unanimous consent that Mr. Janson's report be printed in the RECORD at the conclusion of my remarks.

I hope that this information will be of assistance to Senators in determining whether the Mexican farm labor program should be amended to prevent adverse effect on the wages and working conditions of domestic migratory workers.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

**ARKANSAS FIELD PAY FALLS TO 30 CENTS AN HOUR**  
(By Donald Janson)

HEAFER, ARK., July 13.—John Morrison, 38-year-old migrant laborer from southeastern Missouri, dropped his hoe after 10 hours of chopping cotton on the J. E. Pollard farm here yesterday and collected \$3 for another day's work.

"Some places around here in eastern Arkansas are paying only \$2," the ex-soldier said. "Who can support a family by chopping cotton? We're leaving tonight for Michigan to see if we can find work in the cherry orchards."

His wife and their flushed 11-year-old daughter, who had weeded cotton under the hot sun all day alongside them, piled into their 1946 Buick along with the Morrisons' 8-month-old baby and 9-year-old daughter.

The Missourian is one of nearly half a million American farm laborers who migrate each year to earn a living.

They come to Arkansas to thin and weed cotton in May, June, and July only if they can find no other work. The prevailing wage rates posted in employment offices in the area, range from 30 cents an hour in some counties to 50 cents in others. Actual pay during most of the chopping season has been 30 cents this year.

**MIGRANT FAMILIES COMPETE**

The migrant families compete for these jobs with sharecroppers living on the cotton plantations, with field hands living in nearby small towns and urban centers such as Memphis, and with Mexican nationals brought in when there is a labor "shortage."

Because of the seasonal nature of the work, cottongrowers need greatly fluctuating numbers of workers during the chopping season and for harvesting in August and September. Many more choppers are needed, for example in June than in July. Thousands can be recruited in day-haul buses from Memphis.

Mexicans have been imported under contract for the last decade to insure a stable labor force throughout Arkansas' deltaland. The program stems from labor shortages that existed in World War II.

Eastern Arkansas growers hired 31,300 braceros last year, more than any State except Texas and California. They paid them the legal minimum of 50 cents an hour for chopping cotton.

The House of Representatives recently passed a 2-year extension of the bracero law, which expires December 31. It permits importation of Mexicans only to relieve farm labor shortages.

The bill is now before the Senate Agriculture Committee. The administration is seeking to amend the law to limit imported labor sufficiently to assure active competition for domestic workers. Secretary of Labor Arthur J. Goldberg believes the importation program is at least partly responsible for keeping domestic wages in the cotton-fields at near-starvation levels.

**GOLDBERG GIVES VIEWS**

"The nature and size of the Mexican labor program substantially interferes with the normal operations of the law of supply and demand in the labor market," he testified before a Senate subcommittee. "The inexorable result is to stabilize or depress the wages of our own farmworkers in areas where Mexican braceros are employed."

The adverse-effect charge was restated in Memphis today by Frank E. Johnson, Assistant Director of the Department of Labor's Bureau of Employment Security. He was in Memphis to meet with Arkansas and Tennessee employment service officials to see if the situation could be improved. Opponents of the Mexican labor program contend that cottongrowers are deliberately using it to keep domestic pay low.

About 315,000 Mexicans were brought to the United States last year. More were used in the cottonfields than for any other crop. Less than 2 percent of Nation's 4 million farms use braceros and most of the users are large operators.

Cottongrowers and other users of Mexicans vigorously oppose any change in the present law. One Administration-backed proposal would provide that employers using Mexicans must pay them the statewide or national average rate for hourly paid farm labor, whichever is less, with a maximum increase in any one year of 10 cents an hour. The Arkansas statewide average, among the lowest in the Nation, is 73 cents an hour.

The effect would be to bring domestic rates up accordingly.

**BUSINESS LOSSES FEARED**

"We just couldn't do it and stay in business," said James F. Reeves, Jr., manager of



the 11,000-acre Kuhn Cotton Plantation near here.

He cited the high cost of machinery and the unreliability of the weather in producing a crop. Workers, on the other hand, expressed doubt that the plantation would go into the red if they were paid more than the current 30 cents an hour.

Whether or not the Mexican program is amended, the Department of Labor intends to insist on wages for domestic cotton choppers that match the 50-cent minimum guaranteed Mexican workers.

The law authorizing importation of braceros provides that employers first make reasonable efforts to attract domestic workers at comparable wages.

An interpretation of this provision issued in May by Mr. Goldberg's office defined the domestic workers as able-bodied persons 14 years of age or over with the skill to do the job concerned. Cotton chopping is unskilled labor.

Mr. Johnson said he had come to Memphis to make it clear that this ruling would be enforced next year. But Arkansans were not convinced.

"It's a nonenforceable regulation," James L. Bland, administrator of the Arkansas Department of Labor's Employment Security Division, said in an interview. "We can't tell a man what he must pay."

Most growers prefer Mexican to American labor, he said, because only able-bodied adult males in fine physical condition are imported. Crews assembled locally include old men, women, and children.

A survey made by Mr. Bland's office showed that only 24 percent of the workers recruited in the Memphis day-haul operation were 18 to 45 year-old men who could keep up with Mexicans in weeding cotton.

"The Americans willing to do this stoop labor for 30 cents an hour are the dregs of humanity," said Lloyd E. Curtis, manager of the State Employment Service Office for Crittenden County in West Memphis. He said they included derelicts as well as women and children.

#### FEW SEEK FIELDWORK

He remarked that, although unemployment was high in Arkansas and Memphis and all claimants for unemployment insurance were offered cotton-chopping jobs, few would take work in the fields. Those who do go, he said, are agricultural workers not covered by unemployment insurance, laborers who depend entirely on fieldwork and odd jobs for a living.

"You can't afford to pay for something you don't get," Mr. Reeves said. "You can't pay a \$3-worker \$5 a day and stay in business very long. It would benefit us to expand the Mexican program and eliminate the day-haul."

Opponents of the present bracero program contend that growers would get a better job from domestic workers if pay and working conditions were improved.

They cite California, where wages paid by users of Mexicans rose to \$1 an hour last year in some crops.

This helped to attract a domestic farm-labor force that State officials called "the best in years." Peak employment of braceros dropped by about 10,000.

#### PRACTICE IN OTHER STATES

Other States, including Washington and Oregon, that formerly relied heavily on braceros, no longer use them, having found they could attract all the farm labor they needed by offering better wages and employment conditions for domestic workers.

Robert E. Brewington, a cotton grower here, stopped using Mexicans 2 years ago. He said that with adequate supervision domestic crews performed well.

Nor has he been troubled with shortages of labor for his 680-acre farm.

"I can always get enough day-haul labor anytime I want it," he said.

Mr. Bland expressed the viewpoint that if wages were raised to 50 cents an hour farmers would have to be selective in hiring domestics and "we would create a great deal more unemployment and have to have more Mexicans."

#### BERLIN CRISIS POINTS NEED FOR COLD WAR GI BILL

Mr. YARBOROUGH. Madam President, the Berlin crisis has started the cold war smoking and smoldering in recent weeks. Rising above the smoke caused by this latest and potentially very dangerous situation is the pressing need for a cold war GI educational bill.

At this very moment our Chief Executive has under consideration a proposal to mobilize our Ready Reserves in the face of the Soviet Union's warning that it intends to sign a separate peace treaty with Communist East Germany before the end of the year.

A great portion of the U.S. Ready Reserve strength consists of cold war veterans, the 45 percent of our military-age population who have served an average of 2 years or more each on active duty since January 31, 1955, and are then required to serve in some instances for a 2-year period with a Ready Reserve unit.

The cold war veteran has already had his life materially affected by military service and it now appears that many of them may be called upon again to lay aside their civil pursuits and act as a deterrent to Communist aggression.

In the light of recent events and in the prospect of what may develop, it is high time this Congress recognized the vital necessity of a readjustment program for cold war veterans. No other segment of our population lives a more uncertain existence than our cold war veterans and no other group is forced to plan for the future surrounded by as many possibilities that those plans will be disrupted and interrupted.

If the Nation is going to turn to its cold war veterans for help in these crisis-filled days, then the very least the Nation can do in return is offer the cold war veterans assistance with their readjustment problems, which are difficult now, and which threaten to become increasingly difficult in the dangerous period which lies ahead.

Because of recent events and since the possibility has increased that our cold war veterans will once again have to leave families, jobs, and ambitions behind and return to active military duty, I strongly urge that the Congress enact into public law this session S. 349, the cold war GI bill introduced in January by 37 Senators, including the distinguished senator from West Virginia [Mr. RANDOLPH]. I congratulate the Senator for his strong support of the cold war GI education bill.

#### ANNOUNCEMENT OF HEARINGS ON S. 1392, RELATING TO THE INDIAN HEIRSHIP LAND PROBLEM

Mr. CHURCH. Madam President, I announce for the information of the Senate that beginning on Wednesday, August 9, at 10 a.m., in room 3110 New

Senate Office Building, the Indian Affairs Subcommittee will hold hearings on S. 1392, a bill relating to the Indian heirship land problem.

The Department of the Interior has submitted its report on S. 1392, which is in the nature of a substitute, and it is my intention, as chairman of the subcommittee, to consider both bills at that time.

I hope that all interested parties who may wish to appear before the committee or submit statements in connection with the proposed legislation will contact the staff of the Committee on Interior and Insular Affairs so that an appropriate witness list may be prepared.

#### ARIZONA PUBLIC SERVICE CO.

Mr. GOLDWATER. Madam President, in the hearing before the Subcommittee of the Appropriations Committee of the House of Representatives on the Public Works Appropriation bill for 1962 a statement was made during the course of the testimony to the effect that the Arizona Public Service Co. of Arizona is controlled by the Electric Bond & Share Co. of New York.

This is patently wrong. The directors of the Arizona Public Service Co. have very rightly taken umbrage at these remarks and have addressed a letter to the Member of this body who made those remarks before the committee of the House of Representatives. I ask unanimous consent that the letter, addressed to the Senator from Utah [Mr. Moss], be printed in the Record at this point in my remarks.

There being no objection, the letter was ordered to be printed in the Record, as follows:

ARIZONA PUBLIC SERVICE CO.,  
Phoenix, Ariz., June 22, 1961.

Senator FRANK E. MOSS,  
Senate Office Building,  
Washington, D.C.

SIR: As directors of Arizona Public Service Co., we are shocked at your implication that Arizona Public Service Co. is under the control or strong influence of Ebasco Services.

Such irresponsible charges as you made June 7, 1961, before the House of Representatives subcommittee on appropriations reveal, at best, a lack of information and a gross misunderstanding of the corporate structure and policies of this company.

To set the record straight and to discourage any future distortions of the truth, we are stating these facts:

Central Arizona Light & Power Co., a predecessor company of Arizona Public Service Co., was reorganized in 1945. At that time it became an independent company, divesting itself of any connection with Electric Bond & Share Co. It is true that Arizona Public Service, as well as many other companies, have since taken advantage of the highly specialized talents of Ebasco Services, especially in the construction of powerplants. There is nothing wrong or illegal in these services, as your statements seem to imply; on the contrary, it has been to the advantage of our customers that the company is able to utilize the expert services of this firm to lower construction and operating costs.

Arizona Public Service Co. today is an independent and locally managed company whose policies are governed by a board of directors composed of 22 members. Twenty-one of the directors are Arizonians, and the



other one is from Colorado. All are prominent business people who have a vital interest in the future of this State. We are guided—in our own businesses and in our public service directorship—by one simple rule: The policies we set must be in the best interest of the State of Arizona.

To imply that we directors have acted or will act illegally in a collusion with Ebasco Services is a serious charge against our personal honesty and integrity, and for this reason we are individually signing this letter.

We call upon you as a responsible citizen and U.S. Senator either to offer evidence to prove your charges or to retract your statements and apologize for damaging the reputation of Arizona Public Service Co. and its board of directors.

Yours truly,

John M. Jacobs, Chairman; Fred J. Joyce, James B. Rolle, Jr., Ralph M. Bilby, Donald N. Soldwedel, Lloyd E. Eisele, C. W. Bond, Newton S. Cooper, E. Ray Cowden, Victor H. Lytle, J. H. Deaderick, A. H. Forman, E. V. O'Malley, Frank Snell, Walter Lucking, John L. Liecty.

P.S.—Our six other directors were not available at the time this letter was signed, but all are in accord with the content of the letter.

Mr. GOLDWATER. Madam President, I further ask unanimous consent that there be printed in the RECORD a list of the directors, together with their addresses.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

ARIZONA PUBLIC SERVICE CO. BOARD OF DIRECTORS

NAME, BUSINESS ADDRESS, AND HOME ADDRESS

Ralph M. Bilby, vice president, Babbitt Bros. Trading Co., Flagstaff, Ariz.; 318 North Agassiz, Flagstaff, Ariz.

C. W. Bond, president, the Valley National Co., insurance, Post Office Box 31, Phoenix, Ariz.; 1620 Palmcroft Way SW., Phoenix, Ariz.

Newton S. Cooper, Ranch, Stanfield, Post Office Box 607, Casa Grande, Ariz.; 1021 North Gilbert, Post Office Box 607, Casa Grande, Ariz.

E. Ray Cowden, president, Cowden Livestock Co., Post Office Box 1550, Phoenix, Ariz.; 6645 North 7th Avenue, Phoenix, Ariz.

J. H. Deaderick, president, Deaderick Investment Co., 2420 West Bethany Home Road, Phoenix, Ariz.; 330 West Berridge Lane, Phoenix, Ariz.

Lloyd E. Eisele, president, Holsum Bakery, Inc., Post Office Box 6674, Phoenix, Ariz.; 1822 Palmcroft Way NE., Phoenix, Ariz.

Del W. Fisher, president, Fisher Contracting Co., 2201 South 19th Avenue, Post Office Box 6537, Phoenix, Ariz.; 7002 North Central Avenue, Phoenix, Ariz.

A. H. Forman, executive vice president, Arizona Public Service Co., Post Office Box 2591, Phoenix, Ariz.; 501 West Encanto Boulevard, Phoenix, Ariz.

Arleen W. Hughes, E. W. Hughes & Co., investments, 516 Exchange National Bank Building, Post Office Box 198, Colorado Springs, Colo.; 1225 Wood Avenue, Colorado Springs, Colo.

George E. Jackson, personal investments, Post Office Box 1141, Douglas, Ariz.; 1057 "D" Avenue, apartment 2, Post Office Box 1141, Douglas, Ariz.

John M. Jacobs, John Jacobs Farms, 2040 West McDowell Road, Phoenix, Ariz.; No. 3 Moon Mountain Trail, 14245 North 19th Avenue, Phoenix, Ariz.

Fred J. Joyce, counselor, Mutual Life Insurance Co., of New York, 1111 North First Street, Phoenix, Ariz.; 107 East Ninth Street, Tempe, Ariz.

John L. Liecty, treasurer and assistant secretary, Arizona Public Service Co., Post Office Box 2591, Phoenix, Ariz.; 7700 North 14th Street, Phoenix, Ariz.

Walter T. Lucking, president, Arizona Public Service Co., Post Office Box 2591, Phoenix, Ariz.; 32 West Linger Lane, Phoenix, Ariz.

Victor H. Lytle, Pritchard & Lytle, insurance brokers, 144 North Montezuma Street, Post Office Box 870, Prescott, Ariz.; 1130 Smoki Avenue, Prescott, Ariz.

A. Lee Moore, A. L. Moore & Sons, 333 West Adams Street, Phoenix, Ariz.; 54 North Country Club Drive, Phoenix, Ariz.

E. V. O'Malley, president and general manager, Affiliated O'Malley Cos., suite A-100, 4747 North 16th Street, Post Office Box 3558, Phoenix, Ariz.; Phoenix Towers, 2201 North Central Avenue, apartment 12-D, Phoenix, Ariz.

W. C. Quebedeaux, president, Quebedeaux Investment Co., 2901 East Manor Drive, Phoenix, Ariz.; same, except summer: 2977 Ocean Street, Carlsbad, Calif.

James B. Rolle, Jr., member, law firm of Rolle, Jones & Miller, 301 Second Avenue, Post Office Box 70, Yuma, Ariz.; 1920 Fifth Avenue, Yuma, Ariz.

J. B. Ryan, chairman of the board, Ryan-Evans Drug Co., Post Office Box 5128, Phoenix, Ariz.; 126 East Country Club Drive, Phoenix, Ariz.

Frank L. Snell, general counsel, Public Service, Snell & Wilmer, 400 Security Building, Phoenix, Ariz.; 5201 Arroyo Road, Phoenix, Ariz.

Donald N. Soldwedel, publisher-manager, Yuma Daily Sun, 300 Madison Avenue, Yuma, Ariz.; 1505 Eighth Avenue, Yuma, Ariz.

TRANSMISSION LINES FOR COLORADO RIVER POWER

Mr. GOLDWATER. Madam President, I ask unanimous consent to have printed in the RECORD a copy of a telegram from the American National Cattlemen's Association, supporting the position of those of us who think that the transmission lines required to transmit Colorado River storage power should be built by private capital.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

HON. BARRY GOLDWATER,  
U.S. Senate,  
Washington, D.C.:

The advisory council of the American National Cattlemen's Association, representing about 140 affiliated local and State cattlemen's organizations and thousands of individual members, respectfully and forcefully request your understanding and support of the following resolution:

"The advisory council to the president of the American National Cattlemen's Association in continuing its effort to perpetuate the private enterprise system in America; and

"Whereas free enterprise is best demonstrated and most effective when it is permitted to make its contribution to society unhindered by government interference and competition, recommends the acceptance of the utilities combination proposal to furnish transmission lines required to transmit Colorado River storage power."

This council, composed of presidents of State cattle affiliated associations particularly opposes an expenditure of \$136 million for duplicating transmission lines. Irrigation assistance would not be enhanced by adoption of an all-Federal system and future State and national taxes would be lost.

FRED H. DRESSLER,  
Chairman, Advisory Council.

AUTHORIZATION OF APPROPRIATIONS FOR THE ATOMIC ENERGY COMMISSION

The Senate resumed the consideration of the bill (S. 2043) to authorize appropriations for the Atomic Energy Commission in accordance with section 261 of the Atomic Energy Act of 1954, as amended, and for other purposes.

Mr. RANDOLPH. Madam President, for myself and my esteemed colleague from West Virginia [Mr. BYRD], I offer the amendment which I send to the desk. I ask that the amendment be read.

The PRESIDING OFFICER. The amendment will be stated for the information of the Senate.

The LEGISLATIVE CLERK. On page 4, after line 8, it is proposed to insert the following:

Project 62-e-4, study, development, and design for nuclear processes which have application for improving and utilizing coal and coal products, \$5,000,000.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senators from West Virginia.

Mr. RANDOLPH. Madam President, the amendment is explanatory of its purpose. It would provide for the study, development, and design for nuclear processes which have application for improving and utilizing coal and coal products, \$5 million.

Madam President, a comparatively small amount of money has been spent by the Atomic Energy Commission in cooperation with the U.S. Bureau of Mines in the use of high-temperature nuclear heat for the gasification of coal.

There is a high-temperature facility at Morgantown, W. Va., which has been the site of some experimentation. This Bureau of Mines experimental station was successor to the laboratory operated at Morgantown in connection with work done under the Synthetic Liquid Fuels Act sponsored as a wartime measure by former Senator O'Mahoney, of Wyoming and me in 1945 when I was a Member of the House of Representatives.

Compared with the tremendous sums of money being spent on other programs in the atomic energy field, the efforts currently being put forth by the Atomic Energy Commission to further coal research are inadequate. I am informed that there is much additional research and development activity in which the AEC can participate cooperatively with the Office of Coal Research and the Bureau of Mines of the Department of Interior to improve and utilize coal products through nuclear energy.

We are told by experts in the field of coal research and by the AEC that nuclear processes offer at least two conditions which may be of particular benefit to the coal industry and the Nation in terms of developing broader use of coal and coal products. These conditions are first, very high temperature; and, second, intense radiation.

The AEC and the Bureau of Mines have been working together for about 8 years on some of the possible uses of these special conditions of nuclear energy for coal processing. This work has







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
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HIGHLIGHTS: Senate committee voted to report bill to extend Mexican farm labor program. House subcommittee voted to report bill to extend Fair Labor Standards Act to children employed in agriculture. House Rules Committee tabled measure to authorize investigation of sugar program. House received conference report on general Government matters-Commerce appropriation bill. Rep. Cooley introduced farm bill.

## SENATE

1. THE AGRICULTURE AND FORESTRY COMMITTEE voted to report (but did not actually report) the following bills: p. D587  
H. R. 2010, with amendments, to extend the Mexican farm labor program.  
~~S. 860, without amendment, to grant the Secretary of Agriculture additional authority for protection against the introduction and dissemination of diseases of livestock and poultry.~~  
~~S. 702, without amendment, to authorize the Secretary of Agriculture to exchange a tract of forest land with the town of Afton, Wyo.~~  
~~H. R. 2249, without amendment, to authorize the Secretary of Agriculture to convey a tract of forest land in Calif. to Trinity County.~~  
~~H. R. 2250, without amendment, to authorize the Secretary of Agriculture to convey a tract of forest land in Lassen County, Calif., to the city of Susanville.~~
2. EDUCATION. The Labor and Public Welfare Committee voted to report (but did not actually report) an original bill to amend and extend provisions of the National Defense Education Act. p. D588
3. PERSONNEL. The Labor and Public Welfare Committee approved S. 2073, to authorize two additional Assistant Secretaries in the Department of Health, Education,



and Welfare, and S. 1815, to authorize one additional Assistant Secretary in the Department of Labor. p. D588

4. TRAVEL RATES. As reported (see Digest 118) H. R. 3279, to increase the maximum rates of per diem allowance for employees of the Government traveling on official business, includes provisions as follows:

Increases the normal maximum per diem allowance from \$12 to \$16 for regular full-time employees of the Government and makes the same adjustment in the rate applicable to intermittent and w.o.c. employees.

Increases the maximum allowance for official travel authorized to be performed on an actual expense basis from \$25 to \$30 per day.

Increases the maximum allowance for use of privately owned automobiles or airplanes from 10 cents to 12 cents per mile.

Increases the maximum allowance for the use of privately owned motorcycles from 6 cents to 8 cents per mile.

Allows reimbursement on an actual expense basis up to \$10 in excess of the normal per diem allowance established in a given country for employees traveling outside the continental United States or Alaska when authorized due to unusual circumstances surrounding the travel.

Adds parking fees when incurred while in official travel status as an item of expense for which reimbursement is permissible.

Transfers to the President authority now vested in the Bureau of the Budget to establish per diem rates outside the continental United States.

Preserves the status of Alaska and Hawaii that existed prior to their obtaining statehood as areas in which travel allowance would be fixed on the basis of cost.

#### HOUSE

5. APPROPRIATIONS. Received the conference report on H. R. 7577, the general Government matters-Commerce appropriation bill for 1962 (H. Rept. 744) (pp. 11973-4, 12018). The bill includes \$27,400,000 for financing forest highways out of trust funds. Also, it includes the general provisions applicable to the Government generally as included in the bill as passed by the House (see Digest 98). The bill also includes items for the Budget Bureau, Council of Economic Advisers, Census Bureau, Bureau of Public Roads, Weather Bureau, Advisory Commission on Intergovernmental Relations, Small Business Administration, and Tariff Commission.
6. SUGAR. The Rules Committee tabled H. Res. 364, to authorize an investigation by a select committee of the House for the purpose of determining whether the public interest would be served by modifying or discontinuing the sugar program. p. D591
7. AGRICULTURAL LABOR. The Education and Labor Committee reported with amendments H. R. 7812, to provide for the registration of contractors of migrant agricultural workers (H. Rept. 743). p. 12018  
The "Daily Digest" states that the Select Subcommittee on Labor of the Education and Labor Committee "met in executive session and ordered a clean bill introduced for reporting to the House in lieu of H. R. 8191, to extend the child labor provisions to certain children employed in agriculture." p. D590
8. WATER RESOURCES. The "Daily Digest" states that the Rules Committee "granted an open rule on H. R. 30, granting the consent and approval of Congress to the northeastern water and related land resources compact." p. D591







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

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For actions of July 25, 1961  
87th-1st, No. 124

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HIGHLIGHTS: Senate debated farm bill. House Rules Committee cleared farm bill. Senate committee reported bill to extend Mexican farm labor program. House subcommittee voted to report bill for lease and transfer of tobacco allotments. Senate agreed to conference report on general Government matters-Commerce appropriation bill. Senate committee reported Labor-HEW and independent offices appropriation bills.

## SENATE

1. FARM PROGRAM. Continued debate on S. 1643, the omnibus farm bill (pp. 12329, 12346-86, 12389, 12396-403).

Agreed to the following amendments:

By Sen. Holland to except from the provisions of the bill a provision which would have repealed the authority for special livestock loans. Sen. Holland explained that Congress recently passed legislation extending authority for such loans. pp. 12346-7

By Sen. Young, N. Dak., to authorize the Secretary of Agriculture to increase acreage allotments for the production of Durum wheat, whenever he determines that production is inadequate to meet demand, in addition to the farm acreage allotments for other types of wheat. In response to a question by Sen. Ellender, Sen. Young explained that the purpose of the amendment was "to take care of farmers who grow both Durum wheat and other varieties of wheat." pp. 12356-8

By Sen. Mundt to provide that the Secretary shall require producers to take such measures as he may deem appropriate to keep diverted wheat acreage free from grasshopper infestation, weeds, and rodents. pp. 12358-61



By Sen. Miller to modify the language of the bill extending the feed grains program for one year so as "to incorporate in the bill the exact language which appears in the emergency feed grains bill passed earlier in the session" of Congress. p. 12396

By Sen. Williams, Del., to insert additional language relating to marketing orders which he explained as follows: "First, it provides that the initial marketing order shall be submitted to the interested parties and voted upon prior to being declared in effect. It would make the holding of a referendum mandatory in the case of an initial order. Second, it provides that the order shall be described on the ballot, in order that those voting can more clearly understand the question before them. The amendment would also provide for referendums to determine processor approval of an order where such processor approval is required." pp. 12396-402

By Sen. Case to provide that any per diem paid to any of the members of advisory groups be limited to that provided by law for Federal employees under the Travel Expense Act of 1949. pp. 12402-3

Rejected the following amendments:

By Sen. Burdick to provide, as he explained, "that in areas which have been declared disaster areas in the wheat sections of this Nation, where a farmer has a production which is less than 50 percent of the expected production based upon the 1959-60 period, he shall at his option retire as much acreage as he wishes, up to 40 percent. In other words, it would exempt such farmer from the 10-percent mandatory cut provided in the wheat section of the bill if he asks for it." pp. 12353-6

By Sen. Kefauver, 39 to 57, to strike out the section of the bill affirming the right of farmer cooperatives to act jointly in a federation of such cooperative associations, or through agencies in common, in performing those acts which farmers acting together in one such association may lawfully perform. Agreed to a motion by Sen. Holland to table a motion by Sen. Ellender to reconsider the vote by which the amendment was rejected. pp. 12363-86, 12389

Sen. Proxmire submitted, but later withdrew, a proposed amendment to provide a self-help milk program which "would permit milk producers to work out allotment programs for the marketing of milk." pp. 12349-53

Agreed to a unanimous consent request by Sen. Mansfield that beginning Wed., July 26, further debate will be limited to 2 hours on any amendment and to 2 hours on final passage of the bill. p. 12384

2. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 7035, the Departments of Labor, and Health, Education, and Welfare, appropriation bill for 1962 (S. Rept. 618), and H. R. 7445, the independent offices appropriation bill for 1962 (S. Rept. 620). p. 12321

Agreed to the conference report on H. R. 7577, the General Government Matters-Commerce Appropriation bill for 1962, and concurred in the House action on amendments in disagreement (pp. 12334-40). For items of interest, see Digest 121.

3. FARM LABOR. The Agriculture and Forestry Committee reported with amendment H. R. 2010, to amend title V of the Agricultural Act of 1949 so as to extend the Mexican farm labor program (S. Rept. 619). pp. 12321-2

4. EDUCATION. Sen. Fong supported the extension of Federal school assistance to federally impacted areas. pp. 12330-1

## MEXICAN FARM LABOR PROGRAM

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JULY 25, 1961.—Ordered to be printed

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Mr. JORDAN, from the Committee on Agriculture and Forestry,  
submitted the following

## R E P O R T

together with

## SUPPLEMENTAL VIEWS

[To accompany H.R. 2010]

The Committee on Agriculture and Forestry, to whom was referred the bill (H.R. 2010), to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having considered the same, report thereon with a recommendation that it do pass with an amendment.

## HEARINGS

Hearings were conducted by the Subcommittee on Agricultural Research and General Legislation on S. 1466, S. 1945, and H.R. 2010. The hearings have been printed.

## SHORT EXPLANATION

This bill, with the committee amendment, which is in the nature of a substitute, would amend title V of the Agricultural Act of 1949 to—

(1) incorporate in the act an existing appropriation act requirement that employers reimburse the United States, up to a \$15 maximum, for all expenses of the program, except salaries and expenses of personnel engaged in compliance activities;

(2) add working conditions to section 503(3) so that it will prohibit Mexican workers from being made available in any area unless reasonable efforts have been made to attract domestic workers at "wages, standard hours of work, and working conditions" comparable to those offered to Mexican workers;

(3) prohibit the furnishing to, or retention by, any employer of any Mexican—



(i) for employment in other than temporary or seasonal occupations or to operate or maintain power-driven machinery, except in specific cases to avoid undue hardship; and

(ii) unless the employer pays both domestic and Mexican workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work;

(4) prohibit the furnishing of Mexican workers for some processing activities; and

(5) extend the program 2 years, until December 31, 1963.

#### HISTORY OF MEXICAN FARM LABOR PROGRAM

During World War II, and until 1951, Mexican workers were admitted into the United States for temporary employment in U.S. agriculture under various authorities.

In 1951, the Congress approved Public Law 78 (82d Cong.), which added title V to the Agricultural Act of 1949. The major features of this legislation are as follows:

1. Authorizes the negotiation of an agreement with the Republic of Mexico establishing procedures for the admission of Mexican nationals into the United States for temporary employment.

2. Authorizes the Department of Labor to (a) undertake a recruitment and placement function with respect to such workers, (b) assist workers and farmers to enter into contracts for agricultural employment, and (c) guarantee the payment of wages and transportation by farmer employers.

3. Requires employers who wish to employ Mexican workers to (a) indemnify the U.S. Government for its guaranty of their contracts, (b) pay into a revolving fund a fee for each worker to support the program financially.

4. Restricts the use of Mexican workers to areas where the Secretary of Labor certifies that (1) domestic workers, able, willing, and qualified are not available; (2) the employment of Mexican workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and (3) reasonable efforts have been made to attract domestic workers at wages and hours comparable to those offered Mexican workers.

5. Eliminates bond requirement of general immigration statutes for such workers.

6. Provides that no such workers would be provided any employer who employed illegal aliens, either with knowledge or with reasonable grounds to believe they were here illegally.

7. Exempts such workers from social security and income tax provisions.

This statute has been implemented by an agreement with Mexico which sets forth in substantial detail the procedures, terms, and conditions of the contract of employment, and other matters.

Public Law 78 was scheduled to expire December 31, 1953. It has subsequently been extended on various occasions to December 31, 1955, June 30, 1959, June 30, 1961, and December 31, 1961.

The program is self-supporting, except for compliance activities and certain executive functions. Until 1947 the entire cost for importation of Mexican farmworkers was borne by the U.S. Government. Today the user of such labor pays almost the entire cost of the program.

The funds for payment of the expenses incurred in recruiting Mexican workers under Public Law 78 are met from the farm labor supply revolving fund. This fund reimburses the Department of Labor for expenses for transportation, food, and medical care from the time the Mexicans are accepted at migratory stations to the time they are contracted by employers and after their return to the reception center by employers upon the completion of the work contract. The fund also reimburses the Department for all other expenses incurred in the operation of this program, with the exception of compliance activities.

The fund is maintained by fees paid by employers for contracting Mexican workers. The maximum fee is \$15 per worker. In addition to this fee, the farmer must pay the cost of transporting the worker from the border to the place of employment and back again.

Under Public Law 78 approximately 200,000 Mexicans were brought in annually between 1951 and 1953. From that time the number increased until it reached approximately 445,000 in 1956. In 1960 the number brought in was 315,846. The peak employment of Mexican workers in 1960 occurred in September when 234,171 were employed, about 2½ percent of the total workers on farms in that month of 9,120,000. The total number of hired workers on farms in September 1960 was 2,837,000. The low period of employment in 1960 occurred in January when the total number of hired workers was 867,000. Due to this wide variation in farm employment needs it is essential that the program be continued in order to supplement the domestic labor force during peak periods. This is particularly true in the case of many farm operations, such as weeding vegetables or harvesting fruits and vegetables, commonly referred to as stoop labor. For these operations it is particularly difficult to obtain domestic workers.

The total number of Mexican nationals contracted and recontracted in 1960, by States, is set out below. The number of contracts covers the number initially contracted for use in the State, while recontracts cover the recontracting of Mexican workers initially used in another State.



## MEXICAN FARM LABOR PROGRAM

*Mexican nationals contracted and recontracted by associations and individual employers for the calendar year 1960*

	Associations				Individual employers			
	Number	Contracts	Recontracts	Total	Number	Contracts	Recontracts	Total
Arizona.....	5	19,324	5,232	24,556	1	0	1	1
Arkansas.....	62	24,240	11,997	36,237	112	3,173	3,033	6,206
California.....	54	109,992	14,380	124,372	45	3,003	283	3,286
Colorado.....	3	1,795	445	2,240	75	6,697	580	7,277
Georgia.....	0	0	0	0	102	0	1,264	1,264
Illinois.....	1	0	18	18	5	234	123	357
Indiana.....	1	0	472	472	10	65	173	238
Iowa <sup>1</sup> .....	0	0	76	76	2	0	58	58
Kansas.....	0	0	0	0	3	17	0	17
Kentucky.....	1	76	119	195	2	74	0	74
Michigan.....	14	4,655	6,010	10,665	23	160	476	636
Minnesota.....	1	34	19	53	5	0	86	86
Missouri.....	2	50	239	289	4	185	120	305
Montana.....	0	0	0	0	3	2,438	0	2,438
Nebraska.....	0	0	0	0	16	2,255	34	2,289
Nevada.....	3	158	64	222	0	0	0	0
New Mexico.....	16	10,172	892	11,064	31	232	40	272
North Dakota.....	0	0	0	0	1	45	0	45
Oregon.....	1	350	0	350	0	0	0	0
South Dakota.....	0	0	0	0	1	240	0	240
Tennessee.....	1	1,068	1	1,069	1	70	0	70
Texas.....	119	106,596	9,473	116,069	4,354	16,159	8,080	24,239
Utah.....	4	439	4	443	4	47	33	80
Washington.....	0	0	0	0	1	60	0	60
Wisconsin.....	1	0	276	276	20	528	434	962
Wyoming.....	0	0	0	0	2	1,215	0	1,215
Total.....	289	278,949	49,717	328,666	4,823	36,897	14,818	51,715

	Contracts	Recontracts
Associations.....	278,949	49,717
Individual employers.....	36,897	14,818
Grand total.....	315,846	64,535
Percent by associations.....	88.3	77
Percent by individual employers.....	11.7	23

<sup>1</sup> Heinz Growers Employment Committee, Inc. (Sent workers to Iowa).

The seasonality of farm labor needs is reflected statistically in the following table:

*Seasonal composition of farm labor force in 1960*

[Thousands of workers]

Month	Total farm labor force <sup>1</sup>	Farmers and family labor <sup>1</sup>	All hired workers <sup>1</sup>	Month	Total farm labor force <sup>1</sup>	Farmers and family labor <sup>1</sup>	All hired workers <sup>1</sup>
(1)	(2)	(3)	(4)	(1)	(2)	(3)	(4)
January.....	5,006	4,139	867	July.....	8,416	5,569	2,847
February.....	5,305	4,321	984	August.....	8,344	5,694	2,650
March.....	5,994	4,763	1,231	September.....	9,120	6,283	2,837
April.....	7,151	5,507	1,644	October.....	8,283	5,965	2,318
May.....	7,725	5,758	1,967	November.....	6,593	5,075	1,518
June.....	8,271	5,627	2,644	December.....	5,206	4,285	921

<sup>1</sup> From Farm Labor, published monthly by U.S. Department of Agriculture.

SECTION-BY-SECTION EXPLANATION

Section 1: The first section of the bill makes no substantive change in the law, but incorporates in the basic act covering the Mexican farm labor program provisions now carried in appropriation acts.

The Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1961, requires reimbursements under section 502(2) of the basic act to include all expenses of program operations, except contract compliance expenses. Section 502(2) requires employers of workers recruited under the act to reimburse the United States only for essential expenses incurred by it for the transportation and subsistence of workers in amounts not to exceed \$15 per worker. The first section of the bill amends section 502(2) to require reimbursement of all essential expenses, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker.

Section 2: Section 503 of the basic act prohibits workers recruited under the act from being made available in any area unless the Secretary of Labor finds that—

- (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed,
- (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and
- (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Section 2 of the bill amends clause (3) just quoted to include "working conditions" along with wages and standard hours of work. The term "working conditions" is intended by the committee to refer to the physical conditions under which the work is performed, such as those concerned with sanitation and safety, and not to include terms of employment such as housing, transportation, subsistence, insurance, and work guarantees. Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom they contract is imposed upon them. They do not bring their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand, are free to come and go as they please. They may seek other employment in or out of agriculture if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain.

Section 3: Section 3 adds two new sections to the basic act, sections 504 and 505.

The new section 504 prohibits the employment of any workers recruited under the act for other than temporary or seasonal employment, or to operate or maintain power-driven machinery. The Secretary of Labor may make exceptions from this prohibition in specific cases to avoid undue hardship. The purpose of the program is to supplement the domestic labor force in peak periods, such as at harvest time, when crops may be lost through a lack of sufficient workers. It is not intended to provide Mexican workers for year-round jobs which might well be filled by domestic workers. Nor is it intended to provide Mexican workers for the higher skilled jobs for which domestic workers can be found. While it may be difficult to



find domestic workers for the so-called stoop labor jobs, there should be domestic workers available even in periods of peak employment for the more desirable jobs of operating or maintaining power-driven machinery. The prohibition of this section with respect to machinery, of course, extends only to employment to operate or maintain such machinery. It would not prohibit employment merely involving power-operated machinery, such as the placing of produce on trucks, or the placing of hand-cut produce on vegetable harvesters, nor would it prohibit a worker employed for other appropriate purposes from incidental, emergency maintenance work such as the repair of a flat tire.

The new section 505 prohibits workers recruited under the act from being made available to, or permitted to remain in the employ of, any employer unless he offers and pays both domestic and foreign workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work. It was not the purpose of the committee to establish minimum wages for farmworkers or to authorize the Secretary of Labor to establish such minimum wages, and the bill does not do so. The establishment of minimum wages falls within the province of the Committee on Labor and Public Welfare, rather than this committee, and employees in agriculture have for good reason been exempted from the minimum wage provisions of the Fair Labor Standards Act. In the hearings there were complaints that in some areas Mexican workers were being paid less than domestic workers and that in other areas domestic workers were being paid less than Mexican workers. The agreement with Mexico provides that the Mexican workers be paid not less than the prevailing wage rate paid to domestic workers for similar work at the time the work is performed. The new section 505 would require each employer of Mexican workers to pay his domestic workers, as well as his Mexican workers, not less than such prevailing wage, whatever it might be at that time. This new provision is not intended to alter the existing obligation of the Secretary of Labor under section 503(2) of the act not to make Mexican workers available in any area if their employment will adversely affect the wages and working conditions of domestic workers similarly employed, or to require the abandonment of any present policies or practices in the administration of section 503(2), and the new section 505 so provides.

Section 4: Section 4 prohibits the furnishing of Mexican workers for certain processing activities. It excludes from the definition of the agricultural employment for which workers may be recruited under the act—

horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products.

This would leave covered by the act services or activities within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 or section 3121(g) of the Internal Revenue Code (which by sec. 7852(b) of the Internal Revenue Code was made applicable in lieu of sec. 1426(h) of the Internal Revenue Code (of 1939)). Section 3121(g) includes the raising of horticultural commodities, cotton ginning, and a limited amount of packaging, processing, freezing, and storing for farm operators.

Section 5 extends the program 2 years until December 31, 1963.

## SUPPLEMENTAL VIEWS

H.R. 2010 as amended by the Senate Agriculture Committee does improve Public Law 78 by prohibiting the use of Mexican nationals for employment in other than temporary or seasonal occupations or for employment in the operation and maintenance of power-driven machinery except in those cases in which prohibition would cause undue hardship.

Although these amendments improve the basic law, they will do little toward solving the economic, social, and moral problems raised by the operation of the Mexican farm labor program.

Migratory workers are among the most neglected and underprivileged groups in the American economy. Their wages are low, they suffer much from unemployment, they are not covered by unemployment compensation laws or by minimum wage laws, and they are generally denied the benefits of workmen's compensation laws. Because their work requires them to move from one area to another, they and their families do not have the advantage of services and facilities that normally go with stable membership in a community.

These basic difficulties of American migrants are intensified by the annual importation of 300,000 Mexican nationals under the Mexican farm labor program. The experience of 10 years of operation of the program has demonstrated that it does affect adversely wages, employment opportunities, and working conditions of domestic workers. This is the unqualified testimony of the Secretary of Labor, Mr. Goldberg, who has the responsibility for the administration of the program. He and the administration have supported extension of Public Law 78 on the condition that substantial reforms such as provided in S. 1945 are adopted. Secretary of Labor Mitchell last year opposed extension of Public Law 78 unless substantial reforms were approved.

Public Law 78 was enacted in 1951 at a time of labor shortage during the Korean conflict. It began as a temporary program, but it has been extended by Congress four times. During this period the farm labor force has declined, technological change in agriculture has continued at a rapid rate, and unemployment and underemployment have increased as rural problems. Yet at the same time the Mexican farm labor program has expanded greatly (table I).



TABLE I

Year	Total number of Mexican nationals contracted, by year, 1951-60 <sup>1</sup>	Average number of workers employed on farms, United States, 1951-60 (in thousands) <sup>2</sup>		
		Farm operators and unpaid family workers	Hired workers	Total
1951.....	192,000	7,310	2,236	9,546
1952.....	197,100	7,005	2,144	9,149
1953.....	201,380	6,775	2,089	8,864
1954.....	309,033	6,579	2,060	8,639
1955.....	398,650	6,347	2,017	8,364
1956.....	445,197	5,899	1,921	7,820
1957.....	436,049	5,682	1,895	7,577
1958.....	432,857	5,570	1,955	7,525
1959.....	437,643	5,459	1,925	7,384
1960.....	315,846	5,249	1,869	7,118

<sup>1</sup> Administrative reports, Bureau of Employment Security.

<sup>2</sup> U.S. Department of Agriculture, Statistical Reporting Service, Farm Labor.

About 70 percent of the Mexican nationals are contracted for by growers in two States, Texas and California. Only 5 other States reported employment of more than 3,000 Mexican nationals at the time of peak employment of these workers in 1960. The average hourly wage paid domestic workers for work in which Mexican nationals are also employed indicates that the presumed shortage of labor has hardly been tested by the offer of premium rates (table II).

TABLE II.—Selected employment and wage data for major Mexican-using States, by State, in 1960

Major Mexican-using States <sup>1</sup>	Employment of Mexican nationals, 1960		Hourly wages rates paid U.S. workers in work in which Mexican nationals were employed		Average hourly farm wage rate without room or board, 1960 <sup>3</sup>
	Contracted <sup>2</sup>	Employed at peak	Lowest rate	Most common	
Texas.....	122,755	103,680	\$0.40	\$0.50	\$0.78
California.....	112,995	73,430	.75	1.00	1.23
Arkansas.....	27,413	31,296	.35	.50	.73
Arizona.....	19,324	14,312	.70	.70	.97
New Mexico.....	10,404	11,257	.60	.60	.85
Michigan.....	4,815	11,151	.75	.85	1.07
Colorado.....	8,492	6,539	.65	.75	1.09
Montana.....	2,438	2,563	(4)	(4)	1.13
Nebraska.....	2,255	2,310	.85	.85	1.10
Georgia.....	(5)	1,264	(4)	(4)	.66
Wyoming.....	1,215	1,213	(4)	(4)	1.12
Wisconsin.....	528	1,004	.80	1.00	1.09
Tennessee.....	1,138	659	.50	.50	.63
Indiana.....	65	612	.75	.80	1.06

<sup>1</sup> 500 or more Mexican nationals employed at peak. Other States with fewer than 500 are: Missouri, Utah, Oregon, Illinois, North Dakota, South Dakota, Kentucky, Iowa, Nevada, Minnesota, Washington, and Kansas.

<sup>2</sup> In addition to Mexican workers contracted at reception centers, 64,535 were recontracted or reassigned from one employer to another, sometimes in another State. For example, Michigan contracted 4,815 and recontracted 6,486 for a total of 11,301.

<sup>3</sup> U.S. Department of Agriculture. The U.S. average hourly farm wage rate without board and room, 1960, was 97 cents per hour.

<sup>4</sup> No hourly rates reported in 1960.

<sup>5</sup> All of the workers employed in Georgia were recontracted from other States.

Source: Bureau of Employment Security.

We do not believe that anyone can accurately establish the extent of the need for this program under the existing practices. The Department of Labor authorizes Mexican nationals when a sufficient number of workers cannot be obtained at the prevailing wage in the area for the type of work. Where the prevailing wage is very low, the number of workers who are able and willing to work under those conditions is likely to be reduced. The most recent figures (June 1961) of the Department of Labor show several counties in which wages of 30 to 50 cents per hour have been found to prevail among domestic workers. These rates are in areas and for work in which Mexican nationals are likewise employed.

The employer seeking additional employees at a time of labor shortage normally offers higher wages and better working conditions. Under Public Law 78 there is little incentive to do this.

We do not know what percentage of those who have left the farm labor force in the past 10 years would be willing to work in positions now filled by Mexican nationals if wages and working conditions were improved. As long as the present criteria are used to authorize the use of Mexican nationals, we cannot know the extent of the need.

The committee had before it a bill (S. 1945) which incorporated the recommendations of the Department of Labor and was supported by the Secretary of Labor and the administration. It contained major provisions which were not adopted by the committee.

One of these provisions would have limited the use of Mexican nationals to employers who have made reasonable efforts to attract domestic workers at terms and conditions of employment reasonably comparable to those offered Mexican nationals. Under the international agreement between the United States Government and the Republic of Mexico, Mexican nationals coming to this country under contract are guaranteed transportation costs, employment on three-fourths of the workdays in the contract period, subsistence when underemployed, housing, medical care, and compensation for injuries on the job, and health and accident insurance at reasonable cost. In addition, they are assured the wage rate that prevails among U.S. workers similarly employed and a minimum wage of 50 cents per hour. These are benefits not enjoyed by most domestic migratory workers.

S. 1945 also proposed a new test for adverse affect. Under terms of this provision, the employer would have been required to pay Mexican nationals no less than the average hourly farm wage in the State, or the national hourly farm wage average, whichever is the lesser. This would establish a clear, objective, and reasonable minimum base to assist the Secretary of Labor in determining whether Mexican nationals should be certified.

These two provisions should be adopted to provide very limited protection for American migrant workers. They are clearly consistent with the fundamental policy and intent of Congress as stated in section 503 of Public Law 78 which requires that the Secretary of Labor before approving the importation of Mexican nationals certify that there is a shortage of domestic workers and that—

the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

The experience of the past 10 years has demonstrated that this intent has not been achieved. In large part the difficulty has resulted



from the absence of a formula or of guidelines to determine when adverse effect has taken place. We do not believe Public Law 78 should be extended without providing the Secretary of Labor with additional directives necessary to protect domestic workers from such adverse effects.

EUGENE J. MCCARTHY.  
 WILLIAM PROXMIRE.  
 STEPHEN M. YOUNG.  
 PHILIP A. HART.  
 MAURINE B. NEUBERGER.

#### CHANGES IN EXISTING LAW

In compliance with subsection (4) of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in *italic*, existing law in which no change is proposed is shown in roman):

#### AGRICULTURAL ACT OF 1949

\* \* \* \* \*

#### TITLE V—AGRICULTURAL WORKERS

SEC. 501. For the purpose of assisting in such production of agricultural commodities and products as the Secretary of Agriculture deems necessary, by supplying agricultural workers from the Republic of Mexico (pursuant to arrangements between the United States and the Republic of Mexico or after every practicable effort has been made by the United States to negotiate and reach agreement on such arrangements), the Secretary of Labor is authorized—

(1) to recruit such workers (including any such workers who have resided in the United States for the preceding five years, or who are temporarily in the United States under legal entry);

(2) to establish and operate reception centers at or near the places of actual entry of such workers into the continental United States for the purpose of receiving and housing such workers while arrangements are being made for their employment in, or departure from, the continental United States;

(3) to provide transportation for such workers from recruitment centers outside the continental United States to such reception centers and transportation from such reception centers to such recruitment centers after termination of employment;

(4) to provide such workers with such subsistence, emergency medical care, and burial expenses (not exceeding \$150 burial expenses in any one case) as may be or become necessary during transportation authorized by paragraph (3) and while such workers are at reception centers;

(5) to assist such workers and employers in negotiating contracts for agricultural employment (such workers being free to accept or decline agricultural employment with any eligible employer and to choose the type of agricultural employment they

desire, and eligible employers being free to offer agricultural employment to any workers of their choice not under contract to other employers);

(6) to guarantee the performance by employers of provisions of such contracts relating to the payment of wages or the furnishing of transportation.

SEC. 502. No workers shall be made available under this title to any employer unless such employer enters into an agreement with the United States—

(1) to indemnify the United States against loss by reason of its guaranty of such employer's contracts;

(2) to reimburse the United States for essential expenses [ , not including salaries or expenses of regular department or agency personnel, ] incurred by it [ for the transportation and subsistence of workers ] under this title, *except salaries and expenses of employees engaged in compliance activities*, in amounts not to exceed \$15 per worker; and

(3) to pay to the United States, in any case in which a worker is not returned to the reception center in accordance with the contract entered into under section 501(5), an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers from the place of employment to such reception center, less any portion thereof required to be paid by other employers: *Provided, however*, That if the employer can establish to the satisfaction of the Secretary of Labor that the employer has provided or paid to the worker the cost of return transportation and subsistence from the place of employment to the appropriate reception center, the Secretary under such regulations as he may prescribe may relieve the employer of his obligation to the United States under this subsection.

SEC. 503. No worker recruited under this title shall be available for employment in any area unless the Secretary of Labor has determined and certified that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages [ and standard hours of work ] , *standard hours of work, and working conditions* comparable to those offered to foreign workers. In carrying out the provisions of (1) and (2) of this section, provision shall be made for consultation with agricultural employers and workers for the purpose of obtaining facts relevant to the supply of domestic farmworkers and the wages paid such workers engaged in similar employment. Information with respect to certifications under (1) and (2) shall be posted in the appropriate local public employment offices and such other public places as the Secretary may require.

SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

(1) for employment in other than temporary or seasonal occupations, *except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or*



(2) for employment to operate or maintain power driven machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.

SEC. 505. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to both domestic and foreign workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work, as determined by the Secretary of Labor, and unless the Secretary of Labor determines pursuant to section 503(2) that such prevailing wage rate is not adversely affected by the employment of Mexican workers.

SEC. [504] 506. Workers recruited under this title who are not citizens of the United States shall be admitted to the United States subject to the immigration laws (or if already in, for not less than the preceding five years or by virtue of legal entry, and otherwise eligible for admission to, the United States may, pursuant to arrangements between the United States and the Republic of Mexico, be permitted to remain therein) for such time and under such conditions as may be specified by the Attorney General but, notwithstanding any other provision of law or regulation, no penalty bond shall be required which imposes liability upon any person for the failure of any such worker to depart from the United States upon termination of employment: *Provided*, That no workers shall be made available under this title to, nor shall any workers made available under this title be permitted to remain in the employ of, any employer who has in his employ any Mexican alien when such employer knows or has reasonable grounds to believe or suspect or by reasonable inquiry could have ascertained that such Mexican alien is not lawfully within the United States.

SEC. [505] 507. (a) Section 210(a)(1) of the Social Security Act, as amended, is amended by adding at the end thereof a new subparagraph as follows:

“(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended.”

(b) Section 1426(b)(1) of the Internal Revenue Code, as amended, is amended by adding at the end thereof a new subparagraph as follows:

“(C) Service performed by foreign agricultural workers under contracts entered into in accordance with title V of the Agricultural Act of 1949, as amended.”

(c) Workers recruited under the provisions of this title shall not be subject to the head tax levied under section 2 of the Immigration Act of 1917 (8 U.S.C., sec. 132).

SEC. [506] 508. For the purposes of this title, the Secretary of Labor is authorized—

(1) to enter into agreements with Federal and State agencies; to utilize (pursuant to such agreements) the facilities and services of such agencies; and to allocate or transfer funds or otherwise to pay or reimburse such agencies for expenses in connection therewith;

(2) to accept and utilize voluntary and uncompensated services; and

(3) when necessary to supplement the domestic agricultural labor force, to cooperate with the Secretary of State in negotiating and carrying out agreements or arrangements relating to the

employment in the United States, subject to the immigration laws, of agricultural workers from the Republic of Mexico.

SEC. [507] 509. For the purposes of this title—

(1) The term “agricultural employment” includes services or activities included within the provisions of section 3(f) of the Fair Labor Standards Act of 1938, as amended, or section 1426(h) of the Internal Revenue Code, as amended, horticultural employment, cotton ginning, compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.<sup>1</sup>

(2) The term “employer” shall include an association, or other group, of employers, but only if (A) those of its members for whom workers are being obtained are bound, in the event of its default, to carry out the obligations undertaken by it pursuant to section 502, or (B) the Secretary determines that such individual liability is not necessary to assure performance of such obligations.

SEC. [508] 510. Nothing in this Act shall be construed as limiting the authority of the Attorney General, pursuant to the general immigration laws, to permit the importation of aliens of any nationality for agricultural employment as defined in section [507] 509, or to permit any such alien who entered the United States legally to remain for the purpose of engaging in such agricultural employment under such conditions and for such time as he, the Attorney General, shall specify.

SEC. [509] 511. No workers will be made available under this title for employment after [December 31, 1961] *December 31, 1963*.

The following provisions are not amended by the bill, but are related to the change in definition of “Agricultural employment” made by section 4 of the bill.

#### SECTION 3(f) OF THE LABOR STANDARDS ACT OF 1938

“Agriculture” includes farming in all its branches and among other things includes the cultivation and tillage of the soil, dairying, the production, cultivation, growing, and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in section 1141j(g) of title 12), the raising of livestock, bees, fur-bearing animals, or poultry, and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with such farming operations, including preparation for market, delivery to storage or to market or to carriers for transportation to market.

(26 U.S.C. 3121 (g))<sup>1</sup>

(g) Agricultural Labor.

For purposes of this chapter, the term “agricultural labor” includes all service performed—

<sup>1</sup> Under sec. 7352(b) of the Internal Revenue Code, the reference in sec. 507(1) of the Agricultural Act of 1949 to sec. 1426(h) of the Internal Revenue Code should be deemed a reference to sec. 3121(g) of the Internal Revenue Code.



(1) on a farm, in the employ of any person, in connection with cultivating the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including the raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and fur-bearing animals and wildlife;

(2) in the employ of the owner or tenant or other operator of a farm, in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment, or in salvaging timber or clearing land of brush and other debris left by a hurricane, if the major part of such service is performed on a farm;

(3) in connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15(g) of the Agricultural Marketing Act, as amended (46 Stat. 1550, § 3; 12 U.S.C. 1141j), or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4)(A) in the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity; but only if such operator produced more than one-half of the commodity with respect to which such service is performed;

(B) in the employ of a group of operators of farms (other than a cooperative organization) in the performance of service described in subparagraph (A), but only if such operators produced all of the commodity with respect to which such service is performed. For purposes of this subparagraph, any unincorporated group of operators shall be deemed a cooperative organization if the number of operators comprising such group is more than 20 at any time during the calendar quarter in which such service is performed;

(C) the provisions of subparagraphs (A) and (B) shall not be deemed to be applicable with respect to service performed in connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(5) on a farm operated for profit if such service is not in the course of the employer's trade or business or is domestic service in a private home of the employer.

As used in this subsection, the term "farm" includes stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, plantations, ranches, nurseries, ranges, greenhouses or other similar structures used primarily for the raising of agricultural or horticultural commodities, and orchards.







Calendar No. 592

87TH CONGRESS  
1ST SESSION

# H. R. 2010

[Report No. 619]

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IN THE SENATE OF THE UNITED STATES

MAY 15, 1961

Read twice and referred to the Committee on Agriculture and Forestry

JULY 25, 1961

Reported by Mr. JORDAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## AN ACT

To amend title V of the Agricultural Act of 1949, as amended,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 509 of such Act, as amended, is amended by  
4       striking “December 31, 1961,” and inserting “December 31,  
5       1963”.

6       *That section 502(2) of the Agricultural Act of 1949, as*  
7       *amended, is amended to read as follows:*

8               (2) *to reimburse the United States for essential*



1        *expenses incurred by it under this title, except salaries*  
2        *and expenses of personnel engaged in compliance activi-*  
3        *ties, in amounts not to exceed \$15 per worker; and”.*

4        *SEC. 2. Clause (3) of section 503 of such Act is*  
5        *amended to read as follows: “(3) reasonable efforts have*  
6        *been made to attract domestic workers for such employment*  
7        *at wages, standard hours of work, and working conditions*  
8        *comparable to those offered to foreign workers”.*

9        *SEC. 3. Sections 504 through 509 of such Act are re-*  
10       *numbered sections “506” through “511” respectively; the*  
11       *reference to “section 507” in section 508, renumbered as*  
12       *section “510”, is changed to section “509”; and the follow-*  
13       *ing new sections “504” and “505” are inserted after section*  
14       *503:*

15       *“SEC. 504. No workers recruited under this title shall*  
16       *be made available to any employer or permitted to remain in*  
17       *the employ of any employer—*

18                *“(1) for employment in other than temporary or*  
19        *seasonal occupations, except in specific cases when found*  
20        *by the Secretary of Labor necessary to avoid undue*  
21        *hardship; or*

22                *“(2) for employment to operate or maintain power-*  
23        *driven machinery, except in specific cases when found*  
24        *by the Secretary of Labor necessary for a temporary*  
25        *period to avoid undue hardship.*

1       “*SEC. 505. No workers recruited under this title shall*  
2 *be made available to any employer or permitted to remain in*  
3 *the employ of any employer unless the employer offers and*  
4 *pays to both domestic and foreign workers not less than the*  
5 *prevailing wage paid in the area to domestic workers engaged*  
6 *in similar work, as determined by the Secretary of Labor,*  
7 *and unless the Secretary of Labor determines pursuant to*  
8 *section 503(2) that such prevailing wage rate is not adversely*  
9 *affected by the employment of Mexican workers.*”

10       *SEC. 4. Paragraph (1) of section 507 of such Act,*  
11 *renumbered as section “509” is amended by changing the*  
12 *comma after the words “Internal Revenue Code, as amended”*  
13 *to a period and deleting the remainder of the paragraph.*

14       *SEC. 5. Section 509 of such Act, as amended, renum-*  
15 *bered as section “511”, is amended by striking “December 31,*  
16 *1961” and inserting “December 31, 1963”.*

Passed the House of Representatives May 11, 1961.

Attest:

RALPH R. ROBERTS,  
Clerk.



87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 2010

[Report No. 619]

---

## AN ACT

---

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

---

MAY 15, 1961

Read twice and referred to the Committee on  
Agriculture and Forestry

JULY 25, 1961

Reported with an amendment







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For information only  
should not be quoted  
or cited)

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For actions of August 25, 1961  
87th-1st, No. 148

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**HIGHLIGHTS:** Senate passed bills to: Establish Peace Corps. Provide health service for migratory farm workers. Provide for registration of contractors of migratory farm workers. Provide educational facilities for migratory farm workers. Senate committee reported bill to extend saline water conversion program. House subcommittee voted to report bill to clarify and simplify operations of Farm Credit agencies. Sen. McCarthy introduced and discussed bill to provide marketing agreements and orders for honey.

## SENATE

- 1. PEACE CORPS.** Passed with amendments S. 2000, to provide for the establishment of a Peace Corps. pp. 15941-8  
Agreed to the following amendments:
  - By Sen. Curtis, to provide that volunteers in the Peace Corps must have a proficiency in the language of the country to which assigned. pp. 15941-2
  - By Sen. Hickenlooper, to provide that Peace Corps training programs shall include instruction in the philosophy, strategy, tactics, and menace of communism. pp. 15942-3
  - By Sen. Hickenlooper, to limit to 275 the number of administrative officials that may be hired under the program. p. 15943
- 2. FARM LABOR.** ~~Passed as reported S. 1130, to authorize up to \$3 million annually in Federal grants to stimulate State and local health programs in areas seriously affected by the seasonal impact of migratory farm workers. pp. 15975-8~~  
~~Passed as reported S. 1126, to provide for the establishment of a system of Federal registration for farm labor contractors (or crew leaders) of migratory farm workers. pp. 15978-83~~



~~Passed as reported S. 1124, to provide a 5-year program of Federal financial assistance to the States to improve education opportunities for migratory farm workers and their families, including educating migratory children during the regular school term, establishing summer schools for migratory children, and establishing pilot projects for adult education for migratory farm workers. pp. 15983-7, 15988-92~~

~~Considered but took no action on S. 1132, to provide for the establishment of a National Citizens Council on Migratory Labor, and S. 1123, to exempt migratory labor children above certain ages from the child labor provisions of the Fair Labor Standards Act. At the request of Sen. Ellender, S. 1132, was referred to the Agriculture and Forestry Committee for consideration. pp. 15992-7~~

~~Sen. McCarthy submitted an amendment intended to be proposed to H. R. 2010, to extend the Mexican farm labor program, which he explained would provide "that no Mexican national would be made available to an employer unless he offers and pays such worker wages at least the equivalent to 90 percent of the average farm wage in the State, or 90 percent of the national farm wage average, whichever is the lesser." pp. 15928-9~~

~~Sen. Pell urged enactment of legislation to provide Federal assistance to migratory farm workers and inserted an editorial, "Migrant Labor and Congress." p. 15933~~

3. SALINE WATER. The Interior and Insular Affairs Committee reported with amendment S. 2156, to expand and extend the saline water conversion program (S. Rept. 780). p. 15926
4. FOREIGN TRADE. Passed with amendments S. 1729, the proposed Foreign Commerce Act of 1961 to improve and expand services which the Federal Government provides to American businessmen to assist them in exporting U. S. goods and services (pp. 16002-12). Agreed to an amendment by Sen. Saltonstall to provide for a program of trade fairs and floating trade fairs designed to show and sell the products of U. S. business and agriculture in the commercial centers and ports of the world (p. 16007).
5. PERSONNEL. The Commerce Committee voted to report (but did not actually report) S. 2236, to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity. p. D769
6. TRANSPORTATION. The "Daily Digest" states that the Commerce Committee voted to report (but did not actually report) an original bill "to permit the application of the bulk commodity exemption when other commodities are concurrently transported in the same vessel." p. D769  
The "Daily Digest" states the Commerce Committee, by a vote of 12 to 3, "indefinitely postponed until the next session of Congress S. 1197, relating to the rule of ratemaking where competition between carriers of different modes of transportation is involved." p. D769
7. FORESTRY. Sen. Allott submitted amendments intended to be proposed to S. 174, to establish a national wilderness preservation system. p. 15928
8. CONSERVATION CORPS. Sen. Humphrey urged the enactment of legislation to provide for the establishment of a Youth Conservation Corps and inserted an article on the results of a recent Gallup poll, "Youth Corps Approved by 80 Percent in Vote." p. 15930
9. FOOD FOR PEACE. Sen. Humphrey inserted an article, "Food for Propaganda," and stated that it discusses "our food-for-peace program and the splendid manner in



ishment of a county industrial agent program; to the Committee on Commerce.

(See the remarks of Mr. HUMPHREY when he introduced the above bill, which appear under a separate heading.)

By Mr. JOHNSTON:

S. 2468. A bill to increase annuities under the Civil Service Retirement Act; to the Committee on Post Office and Civil Service.

By Mr. BIBLE (by request):

S. 2469. A bill to authorize the Commissioners of the District of Columbia to utilize volunteers for active police duty; and

S. 2470. A bill to authorize the construction of a railroad siding in the vicinity of Taylor Street NE, District of Columbia; to the Committee on the District of Columbia.

By Mr. WILLIAMS of New Jersey:

S. 2471. A bill for the relief of Maria Huszty Boros; to the Committee on the Judiciary.

By Mr. McCARTHY (for himself and Mr. HUMPHREY):

S. 2472. A bill to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Act of 1937), as amended, with respect to honey; to the Committee on Agriculture and Forestry.

(See the remarks of Mr. McCARTHY when he introduced the above bill, which appear under a separate heading.)

By Mr. JAVITS (for himself, Mr. KEATING, Mr. KUCHEL, Mr. ENGLE, Mr. CHURCH, Mr. HUMPHREY, and Mr. SYMINGTON):

S.J. Res. 127. Joint resolution authorizing the issuance of a gold medal to Danny Kaye; to the Committee on Banking and Currency.

(See the remarks of Mr. JAVITS when he introduced the above joint resolution, which appear under a separate heading.)

#### CONCURRENT RESOLUTION

PRINTING AS A SENATE DOCUMENT, WITH ADDITIONAL COPIES, OF THE FORTIETH BIENNIAL MEETING OF THE CONVENTION OF AMERICAN INSTRUCTORS OF THE DEAF

Mrs. NEUBERGER (for herself and Mr. MORSE) submitted the following concurrent resolution (S. Con. Res. 40), which was referred to the Committee on Rules and Administration:

*Resolved by the Senate (the House of Representatives concurring), That the report of the proceedings of the fortieth biennial meeting of the Convention of American Instructors of the Deaf, held in Salem, Oreg., in June 1961, be printed with illustrations as a Senate document; and that four thousand additional copies be printed for the use of the Joint Committee on Printing.*

#### ESTABLISHMENT OF A COUNTY INDUSTRIAL AGENT PROGRAM

Mr. HUMPHREY. Mr. President, with the passage of the Area Redevelopment Act this year, we have taken the first step toward helping underdeveloped communities to share in the fabulous wealth of the rest of the United States. We have allocated funds to enable communities with a "substantial and persistent labor surplus" to build new industries and to help themselves out of a situation of progressive impoverishment.

This is only the first step. This measure was never intended as a total solution to the problem of labor surpluses in rural areas resulting from automation in agriculture and overconcentration of industry in the great cities. The difficulties are more extensive and of a longer range nature. They cannot be solved by a policy of waiting until the needs of a specific area are great enough to warrant Federal aid. They must be met by planning and foresight so that disasters do not initially occur. Any other way is too expensive both in terms of human misery and of the Nation's economy.

Each year new developments in industrial technique are changing our way of life throughout the country. Often, however, small communities do not benefit as much as the more flexible cities from our advances in knowledge. Without expert technical advice they are left behind in a backwater of long outmoded practices.

The agricultural extension agents do an invaluable service by communicating the latest scientific information to farming areas. I propose that we borrow from their experience to establish a county industrial agent program.

The industrial agents would work in cooperation with the agricultural agents in counties suffering economic difficulties because of—

First. Excessive concentration on one product or one nonbasic industry.

Second. A changing agricultural technology, which produces a need for fewer workers, combined with a significant drop in farm income.

Third. A nonintegrated approach to the problems of economic development.

It would be the work of these agents to give technical assistance, channeling information on opportunities for diversification of industries, new legislation, new industrial improvements and new markets to the local communities. They would also have the responsibility of reporting on the local situation to State and Federal officials so that policymaking would be based on the hard facts of local conditions, and not solely on statistical projections. They would promote cooperation and coordination of voluntary groups now at work in local communities with public governmental agencies—eliminating costly duplications and false starts. Finally, they would create opportunities for vocational training of the unemployed men and women in each locality.

We must not overlook the fact that by the creation in smaller communities and rural areas of adequate standards of health, education, and economic self-sufficiency we will ease the steadily growing financial burdens of our larger cities faced with sudden influxes of untrained workers.

Thus, Mr. President, for the present and future development of America's small industrial and rural communities, I introduce, for appropriate reference, a bill to establish the county industrial agent program.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2467) to improve com-

merce and industrial development through the establishment of a county industrial agent program, introduced by Mr. HUMPHREY, was received, read twice by its title, and referred to the Committee on Commerce.

#### MARKETING AGREEMENTS AND ORDERS FOR HONEY—AMENDMENT

Mr. McCARTHY. Mr. President, for myself and my colleague, the senior Senator from Minnesota [Mr. HUMPHREY], I introduce, for appropriate reference, a bill to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act—as reenacted by the Agricultural Marketing Act, of 1937—as amended, with respect to honey.

The purpose of the bill is to permit honey producers, if they choose to do so by a two-thirds vote in a referendum of honey producers, to authorize a marketing order for honey.

Honey was one of the products included among the eligible commodities in the omnibus farm bill as reported by the Committee on Agriculture and Forestry, but the bill was amended on the floor of the Senate to remove it.

In my judgment, this action was taken without sufficient evidence that honey producers desired to be excluded. Since the passage of the bill, I have received reports that members of the Minnesota Beekeepers Association at their summer meeting, which was held following the Senate action, voted heavily in favor of having honey included among the commodities eligible for marketing orders. I ask unanimous consent to have a letter I received from Mr. Glen McCoy, chairman of the Minnesota Committee for Honey Market Improvement, printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

ALEXANDRIA APIARIES,

Alexandria, Minn., August 11, 1961.

The Honorable EUGENE J. McCARTHY,  
U.S. Senate, Washington, D.C.

DEAR MR. McCARTHY: On the 9th of August 1959, I wrote to you urging support of legislation which would enable honey producers to set up a marketing order agreement, if and when a majority of the industry should vote for the move.

The honeypackers of the Nation made a loud protest in this matter, and our producers decided to bide a while in the hope the industry would support a voluntary plan for collection of promotion funds, as an alternative to the proposed marketing order.

This hope has proved entirely futile, and we producers are now determined to see to it that machinery is set up to permit a marketing order.

This summer, Senate bill 1643, Report No. 566, was up for action, under which honey would have been made eligible for institution of a marketing order. Again, the loud voices of the packers caused deletion of honey from coverage in the bill.

Now, the packers represent a very small minority of the whole industry. We should like to remain on friendly terms with them. But it seems to us that this is distinctly a matter of the tail wagging the whole dog. Now we are resolved to push for what the main body of the industry really wants. We are convinced that only by a systematic method can we secure funds for improvement of our honey market.



Marketing order legislation from now on will seem imperative to us.

At the summer meeting of our Minnesota Beekeepers Association, the issue of pursuing the marketing order legislation was put to a vote. Only the packers present (four or five in number) were against it. All the producers voted for it. And at once one of the packers protested that the vote was "unfair." What is unfair about a majority vote, we ask?

I urge that when any legislation designed to enable honey to be covered by a marketing order, comes up in your congressional Chamber, you give it full and active support.

Very truly yours,

GLEN MCCOY,  
Chairman, Minnesota Committee for  
Honey Market Improvement; Mem-  
ber Marketing Committee, Ameri-  
can Beekeeping Federation.

Mr. McCARTHY. Mr. President, I have also received a letter from Mr. Henry W. Hansen, president of the American Beekeeping Federation, asking that honey be made eligible for a marketing order. I ask unanimous consent to have his letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE AMERICAN BEEKEEPING  
FEDERATION, INC.,

Dakota City, Iowa, August 10, 1961.

HON. EUGENE J. McCARTHY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR McCARTHY: Due to the influence of a small group of honey packers led by a large Idaho honey packer, honey was deleted from the omnibus farm bill before it passed, in spite of the effort of the American Beekeeping Federation to have honey included.

Our industry is in dire need of funds for promotion and research. We have tried voluntary checkoff, and it has failed miserably due to lack of cooperation between packers and producers.

The only solution to our problem seems to be compulsory checkoff as set forth in the omnibus farm bill. If honey were included in the omnibus farm bill (by amendment), it would be possible to reach three goals badly needed by our industry:

1. Make the collection of funds for promotion and research mandatory;
2. Set up a quality control program; and
3. Put us in a favorable position to bring about at least some restrictions on excessive imports of honey.

We feel that it is unfair discrimination against the honey producers when honey was removed from this legislation and an opportunity to set up a self-help program beneficial to honey producers and packers has been thwarted by the action of a very small group of honey handlers, packers, and dealers.

We therefore urgently request that you either introduce or actively support an amendment to include honey in the omnibus farm bill.

Sincerely yours,

HENRY W. HANSEN,  
President.

Mr. McCARTHY. Mr. President, honey producers should have an opportunity to decide whether they wish to develop a marketing order for their product. The bill would make it possible for them to do so.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2472) to authorize marketing agreements and orders under section 8c of the Agricultural Adjustment Act (as reenacted by the Agricultural Marketing Act of 1937), as amended, with respect to honey, introduced by Mr. McCARTHY (for himself and Mr. HUMPHREY), was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

#### GOLD MEDAL TO DANNY KAYE

Mr. JAVITS. Mr. President, I have the honor this morning to introduce a joint resolution authorizing the issuance of a gold medal to a very famous entertainer, Danny Kaye. I am joined in the sponsorship of the joint resolution by my colleague from New York [Mr. KEATING], the majority whip, the Senator from Minnesota [Mr. HUMPHREY], the minority whip, the Senator from California [Mr. KUCHEL], the junior Senator from California [Mr. ENGLE], the Senator from Idaho [Mr. CHURCH], and the senior Senator from Missouri [Mr. SYMINGTON].

I ask unanimous consent, Mr. President, as I send the joint resolution to the desk for appropriate reference, that it may remain upon the desk until the close of business on Monday next, in order that other Members of the Senate may join as cosponsors.

The ACTING PRESIDENT pro tempore. The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will remain on the desk as requested.

The joint resolution (S.J. Res. 127) authorizing the issuance of a gold medal to Danny Kaye, introduced by Mr. JAVITS (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Banking and Currency.

Mr. JAVITS. Mr. President, I also have the honor to announce that a similar resolution is being introduced in the other body by Representative MUIR, of New York, Representative BELL, of California, Representative CORMAN, of California, Representative KEOGH, of New York, and Representative LIPSCOMB, of California.

Mr. President, I should like to say a word about Danny Kaye, who has given his time, talent, and energy unselfishly to many humanitarian causes. During World War II and the Korean war, he entertained millions of servicemen and women all over the world. In peacetime, he has continued this work for the U.S.P. and has scheduled another tour of Korea and Japan in December to entertain U.S. servicemen.

Closest to Danny's heart is his work for the United Nations Children's Fund—UNICEF. As ambassador at large for UNICEF, he has traveled more than 125,000 miles in 17 countries in Asia, the Middle East, Europe, and Africa, to bring cheer to the children of the world and to promote the lifesaving and lifegiving objectives of UNICEF.

His reports on film and television on the conditions of children aided by UNICEF is estimated to have been seen by more than 145 million viewers in

28 languages and have won many awards throughout the world.

Danny Kaye has truly become an ambassador at large to the world's children. He has proved that language is no barrier to a better understanding of the peoples of the world. And in serving UNICEF and the world so devotedly, he also has been a tremendous good will ambassador for his own country.

Throughout the world, Danny Kaye has been honored for his humanitarian work. I believe we should honor him here, too.

Mr. President, we have very few opportunities to honor outstanding citizens who have served beyond the line of duty in our Republic. One of them is by the awarding of the gold medal. So it is an honor for me to seek this recognition for so deserving an American, who has given so much to our country, and, in our country's name, to the world, as has Danny Kaye.

Mr. HUMPHREY. Mr. President, I merely wish to say I am pleased to join with the Senator from New York in this endeavor. I only hope our colleagues will act promptly upon the measure.

Mr. JAVITS. I am very grateful to the Senator from Minnesota. It is typically generous and understanding of him, and I very much appreciate his joining in this effort.

Mr. KEATING. Mr. President, it is with pleasure that I join with my colleague in sponsoring a joint resolution to strike a medal for Danny Kaye. Danny Kaye has contributed greatly of his time, talent, and energy to UNICEF, the USO, and to the men who serve America in uniform overseas. He radiates a spirit of warmth and spunk that has meant a great deal to the people in need of a lift—who need to laugh and relax. We must never forget that a well aimed quip can be a powerful weapon in the war of ideas and economic strength that today divides the world.

#### ESTABLISHMENT OF A NATIONAL WILDERNESS PRESERVATION SYSTEM—AMENDMENTS

Mr. ALLOTT submitted amendments, intended to be proposed by him, to the bill (S. 174) to establish a national wilderness preservation system, and for other purposes, which were ordered to lie on the table and to be printed.

#### AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949, AS AMENDED

Mr. McCARTHY. Mr. President, I send to the desk an amendment intended to be proposed to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, and I ask that it be printed.

Mr. President, a number of Senators have told me that they have had considerable mail urging support of the McCarthy amendments to the Mexican farm labor program—Public Law 78. This is the principal amendment which I intend to offer, and I ask unanimous consent that it be printed in the RECORD.



at this point so that interested Senators may have an opportunity to study it before the bill is called up for debate on the floor of the Senate.

The ACTING PRESIDENT pro tempore. The amendment will be received, printed, and will lie on the table; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

On page 3, lines 1 through 9, strike out all of "Sec. 505" through "Mexican workers," and substitute the following:

"Sec. 505. (a) No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to such workers wages at least equivalent to ninety percent of the average farm wage in the State in which the area of employment is located, or ninety percent of the national farm wage average, whichever is the lesser.

"(b) The determination of the average farm wage in a State and the national farm wage average required in (a) above shall be made by the Secretary of Labor, after consultation with the Secretary of Agriculture. In making these determinations, the Secretary of Labor shall consider, among other relevant factors, the applicable average farm wage rate per hour for workers who do not receive board and room, or such other appropriate information and data as may be available."

Mr. MCCARTHY. Mr. President, Public Law 78 was enacted by the Congress in 1951 as a temporary program to meet the needs for agricultural workers at the time of the Korean conflict. It has been extended four times, and during this period no substantial change has been made in the law.

The intent of Congress was stated in the original act. No Mexican nationals were to be brought into this country for agricultural work unless the Secretary of Labor determined that there a shortage of domestic workers existed and that the employment of Mexican nationals would not adversely affect the wages and working conditions of domestic workers.

The program is now 10 years old, and it is the judgment of the Secretary of Labor and of many who have studied closely the program that the program has adversely affected the wages, working conditions and employment opportunities of domestic migratory workers.

In large part the difficulty has arisen from the absence of an objective formula or of any guideline to determine whether there is a genuine shortage of workers—or only a shortage at the low wages being offered and under the poor working conditions which exist.

During the 10 years the program has been in effect the average number of workers employed on farms has decreased from 9.5 million to 7.1 million, but during the same period the number of Mexican nationals brought into the United States increased from less than 200,000 annually in 1951 and 1952 to over 430,000 annually for the years 1956 through 1959. It was 315,000 in 1960.

During the same period the wages paid domestic workers for work in which Mexican nationals are also employed have remained low and in some areas and for some crops have not risen at all.

I ask unanimous consent to have printed in the RECORD two tables which show the extent of the Mexican farm labor program and selected data on employment and wages for major Mexican-using States in 1960.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE I

Year	Total number of Mexican nationals contracted, by year 1951-60 <sup>1</sup>	Average number of workers employed on farms, United States, 1951-60 (in thousands) <sup>2</sup>		
		Farm operators and unpaid family workers	Hired workers	Total
1951-----	192,000	7,310	2,236	9,546
1952-----	197,100	7,005	2,144	9,149
1953-----	201,380	6,775	2,089	8,864
1954-----	309,033	6,579	2,060	8,639
1955-----	398,650	6,347	2,017	8,364
1956-----	445,197	5,899	1,921	7,820
1957-----	436,049	5,682	1,895	7,577
1958-----	432,857	5,570	1,955	7,525
1959-----	437,643	5,459	1,925	7,384
1960-----	315,846	5,249	1,869	7,118

<sup>1</sup> Administrative reports, Bureau of Employment Security.

<sup>2</sup> U.S. Department of Agriculture, Statistical Reporting Service, Farm Labor.

TABLE II.—Selected employment and wage data for major Mexican-using States, by State, in 1960

Major Mexican-using States <sup>1</sup>	Employment of Mexican nationals, 1960		Hourly wage rates paid U.S. workers in work in which Mexican nationals were employed		Average hourly farm wage rate without room or board, 1960 <sup>3</sup>
	Contracted <sup>2</sup>	Employed at peak	Lowest rate	Most common	
Texas-----	122,755	103,680	\$0.40	\$0.50	\$0.78
California-----	112,995	73,430	.75	1.00	1.23
Arkansas-----	27,413	31,296	.35	.50	.73
Arizona-----	19,324	14,312	.70	.70	.97
New Mexico-----	10,404	11,257	.60	.60	.85
Michigan-----	4,815	11,151	.75	{ .85 .75 }	1.07
Colorado-----	8,492	6,539	.65	.75	1.09
Montana-----	2,438	2,563	(4)	(4)	1.13
Nebraska-----	2,255	2,310	.85	.85	1.10
Georgia-----	(5)	1,264	(4)	(4)	.66
Wyoming-----	1,215	1,213	(4)	(4)	1.12
Wisconsin-----	528	1,004	.80	1.00	1.09
Tennessee-----	1,138	659	.50	.50	.63
Indiana-----	65	612	.75	.80	1.06

<sup>1</sup> 500 or more Mexican nationals employed at peak. Other States with fewer than 500 are: Missouri, Utah, Oregon, Illinois, North Dakota, South Dakota, Kentucky, Iowa, Nevada, Minnesota, Washington, and Kansas.

<sup>2</sup> In addition to Mexican workers contracted at reception centers, 64,535 were recontracted or reassigned from one employer to another, sometimes in another State. For example, Michigan contracted 4,815 and recontracted 6,486 for a total of 11,301.

<sup>3</sup> U.S. Department of Agriculture. The U.S. average hourly farm wage rate without board and room, 1960, was 97 cents per hour.

<sup>4</sup> No hourly rates reported in 1960.

<sup>5</sup> All of the workers employed in Georgia were recontracted from other States.

Source: Bureau of Employment Security.

Mr. MCCARTHY. Under the international agreement between our Nation and Mexico, the Mexican Government has set 50 cents per hour as the minimum at which it will permit its nationals to come to this country for agricultural work.

In effect, this minimum which the Mexican Government insists upon has become a kind of wage ceiling for thou-

sands of domestic workers, and in many areas the wages for domestic workers have not gone above 50 cents an hour for 10 years.

The purpose of my amendment is to establish a moderate and reasonable guide as to whether a shortage of domestic labor exists and as to whether importing Mexican nationals would have an adverse effect on wages and working conditions of domestic migratory workers.

Mr. President, the amendment provides that no Mexican nationals would be made available to an employer unless he offers and pays such workers wages at least the equivalent to 90 percent of the average farm wage in the State, or 90 percent of the national farm wage average, whichever is the lesser.

This formula takes into account differences between the States. While the national hourly farm wage average in 1960 was 97 cents per hour, several of the States using Mexican nationals had averages considerably below that, as is shown in table II.

I should like to make clear that this amendment applies only to the conditions under which a grower can make use of the service of the U.S. Government to secure Mexican workers. It does not impose any requirement on any agricultural employer unless he wants to get Mexican nationals. It does not impose an arbitrary or unreasonable demand for the use of this service. It does not require him to pay a premium wage to Mexican nationals. It does not even require that he pay the average wage, but only 90 percent of the average State or National farm wage, whichever is the lesser.

Mr. JAVITS. Mr. President, will the Senator from Minnesota yield?

Mr. MCCARTHY. I yield.

Mr. JAVITS. Does the Senator from Minnesota have any idea when the bill will be called up?

Mr. MCCARTHY. I do not have any idea now. I understood yesterday it would be brought up today, but I found that, evidently, what the leadership had in mind was not this bill, but a bill dealing only with domestic migrants.

It is my opinion that it will be brought up early next week, unless more pressing business displaces it.

Mr. JAVITS. I thank the Senator.

#### NOTICE OF HEARING ON NOMINATION OF WILLIAM H. BECKER, OF MISSOURI, TO BE U.S. DISTRICT JUDGE, WESTERN DISTRICT OF MISSOURI

Mr. JOHNSTON. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Tuesday, September 5, 1961, at 10 a.m., in room 2228 New Senate Office Building, on the nomination of William H. Becker, of Missouri, to be U.S. district judge, western district of Missouri, vice Albert A. Ridge, elevated.

At the indicated time and place persons interested in the hearing may make



such representations as may be pertinent. The subcommittee consists of the Senator from Missouri [Mr. Long], chairman, the Senator from Nebraska [Mr. Hruska], and myself.

#### NOTICE OF HEARING ON NOMINATION OF THADDEUS M. MACHROWICZ TO BE U.S. DISTRICT JUDGE FOR THE EASTERN DISTRICT OF MICHIGAN

Mr. HART. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice that a public hearing has been scheduled for Friday, September 1, 1961, at 10:30 a.m., in room 2228, New Senate Office Building, on the following nomination:

THADDEUS M. MACHROWICZ, of Michigan, to be U.S. district judge for the eastern district of Michigan, vice Frank A. Picard, retired.

At the indicated time and place persons interested in the hearing may make such representations as may be pertinent.

The subcommittee consists of the Senator from Colorado [Mr. CARROLL], the Senator from New Hampshire [Mr. CORTON] and myself, as chairman.

#### ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. THURMOND:

Editorial entitled "Patronage Powerful," published in the Columbia (S.C.) State of August 21, 1961, dealing with the question of patronage.

Article entitled "Air Force Looking Into Israeli Love Life," written by Edith Kermit Roosevelt and published in the Newark (N.J.) Star Ledger of August 20, 1961.

By Mr. CASE of New Jersey:

Article written by former Representative Gordon Canfield, of New Jersey, and printed in a recent edition of the Paterson (N.J.) Evening News, calling attention to the need for the President to counsel with great leaders.

By Mr. YARBOROUGH:

Article entitled "The Poop on Padre Island," written by Mr. Frank X. Tolbert, published in the Dallas (Tex.) Morning News on August 6, 1961.

By Mr. WILEY:

Article entitled "Voice of America: How Loud Is It?" by Courtney Sheldon, published in the Christian Science Monitor, issue of August 23, 1961.

Article entitled "Wisconsin's Outdoor Laboratories," by Jay Scriba, published in the Milwaukee Journal, issue of August 22, 1961.

By Mr. JACKSON:

Proposal for an International Institute of Science and Technology in Western Europe.

By Mr. HRUSKA:

Article entitled "Wolf Story," relating to Federal aid, published in the July 27 Bulletin of Nebraska Poultry Improvement Association.

#### YOUTH CONSERVATION CORPS

Mr. HUMPHREY. Mr. President, it has become increasingly evident that one of the most popular and acceptable

proposals ever presented in the Congress is the establishment of a Youth Conservation Corps, modeled along the lines of the Civilian Conservation Corps of the 1930's.

It is my privilege to be the sponsor of such a proposal, S. 404. The Senate Labor and Public Welfare Committee has reported favorably S. 404. The House Labor and Education Committee has taken similar action. It would be most unfortunate if this Congress failed to act on this constructive program.

A recent public opinion poll—the Gallup poll of August 22—shows that 80 percent of the people believe that a YCC camp program would be a good idea.

It seems to me that overwhelming expression of support therefore commends itself to the passage of such legislation.

I ask unanimous consent that the poll demonstrating that the Youth Conservation Corps is approved by 80 percent of the people be printed at this point in the RECORD.

There being no objection, the poll was ordered to be printed in the RECORD, as follows:

#### YOUTH CORPS APPROVED BY 80 PERCENT IN VOTE

(By George Gallup)

PRINCETON, N.J., August 22.—The American public overwhelmingly supports the idea of youth conservation camps modeled along the lines of the Civilian Conservation Corps of the 1930's.

Eight out of ten persons interviewed in a nationwide Gallup poll say they thing such youth camps—for young men who want to learn a trade and earn a little money—would be a good idea.

President Kennedy has backed the creation of a "token" Youth Conservation Corps with a maximum enrollment at any one time of 6,000 youths. Alternative plans providing for larger Youth Corps have been introduced in both the House and Senate.

The current survey indicates that the public is of a mind to go further than any of the existing YCC proposals—all of which would be based on voluntary enrollment by boys between the ages of 16 and 22.

Six out of ten Americans interviewed believe that attendance in these camps should be required of young men of this age who are not in school and do not have jobs.

To get the public's current views on the principle of the youth camps, Gallup poll reporters first put this question to a representative sample of 1,648 adults from coast to coast:

"It is proposed that the Federal Government set up youth camps—such as the CCC camps of the 1930's—for young men 16 to 22 years old who want to learn a trade and earn a little money by outdoor work. Do you thing this is a good idea or a poor idea?"

The results nationwide:

	Percent
Good idea.....	80
Poor idea.....	13
No opinion.....	7

The issue of requiring idle young men to work in these camps was phrased as follows:

"Do you think young men who are not in school, do not have jobs, and are not learning a trade should be required to go to one of these camps, or not?"

The vote:

	Percent
Require idle young men to go to camp?	
Should be required.....	59
Should not.....	34
No opinion.....	7

#### STATESMANSHIP OF VICE PRESIDENT LYNDON JOHNSON ON RECENT VISIT TO GERMANY

Mr. HUMPHREY. Mr. President, we have all been deeply impressed by the statesmanship of our Vice President, LYNDON JOHNSON. On his recent visit to the Federal Republic of Germany and Berlin, we witnessed those qualities of courage, leadership, and political insight which are so characteristic of this great American.

Max Freedman, Washington correspondent of the Manchester Guardian, accompanied Vice President JOHNSON on his trip to Germany. Mr. Freedman has described that trip and his evaluation of Vice President JOHNSON's efforts in an article which appeared in a recent issue of the Washington Post and Times Herald. Every American should read this article, and, above all, every Member of Congress. It not only tells a great deal about our Vice President, but it is a remarkable analysis of the situation which exists in Berlin.

I ask unanimous consent that the article by Mr. Freedman be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### HOW WEST BERLIN WELCOMED L.B.J.

(By Max Freedman)

(Mr. Freedman, Washington correspondent of the Guardian of Manchester, accompanied Vice President JOHNSON on his trip to Germany.)

Since my return from Berlin, I have read the admirable reports in the press on Vice President LYNDON JOHNSON's mission to Bonn and Berlin. I am not surprised by these sensitive and responsible accounts of the Berlin situation.

Never have I seen a group of reporters more deeply moved by a political crisis that contains many elements of human tragedy. Perhaps I can add one or two points to their description of the journey. As the only non-American on the trip, I can say some things that cannot be said so easily by my American colleagues.

There is something very inspiring, and at the same time almost frightening, in the reliance of the German people on American policy. It is almost as if all will be lost if America falters.

They believe that neither Britain nor France can take up the burden if America defaults; and they show their trust in America not by measured calculations of diplomacy but by an outpouring of friendship and hope that can never be forgotten by anyone who has felt it in these last few days.

Every mention of President Kennedy's name was caught up in the cheers of endless German crowds. To them he is quite plainly the supreme guardian of the endangered frontier of freedom. But he was not the only American who evoked these cheers.

Few diplomats have been cheered the way the citizens of West Berlin cheered Charles E. Bohlen. The man who has never lost faith in the freedom of Berlin, Gen. Lucius Clay, received a stupendous welcome which showed this gallant guardian of American honor that he is enshrined in the memory of a grateful people.

Everyone expects President Kennedy to name General Clay to a position of responsibility in West Berlin. That appointment would be a splendid stroke that would ring through West Germany, and its echoes would reach beyond East Berlin to Moscow, giving







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For information only;  
should not be quoted  
or cited)

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**HIGHLIGHTS:** Senate committee voted to report Delaware River Basin Compact bill. Rep. May urged increased production and stockpiling of sugar. Rep. Findley criticized food distribution program.

## SENATE

- 1. WATER RESOURCES.** The Judiciary Committee voted to report (but did not actually report) H. J. Res. 225, granting the consent of Congress to the Delaware River Basin Compact. p. D779
- 2. TRANSPORTATION.** The Commerce Committee voted to report (but did not actually report with amendment H. R. 6775, to provide for the operation of steamship conferences. p. D778  
The Commerce Committee reported without amendment H. R. 2429, to prohibit the destruction of, or injury to, any freight or express moving in interstate or foreign commerce (S. Rept. 827). p. 16193
- 3. PERSONNEL.** The Commerce Committee reported without amendment S. 2236, to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity (S. Rept. 825). p. 16193
- 4. ADMINISTRATIVE ORDERS.** The Judiciary Committee voted to report (but did not actually report) H. R. 5656, to provide reasonable notice of applications to



the U. S. courts of appeals for interlocutory relief against the orders of certain administrative agencies. p. D779

5. STATE-JUSTICE APPROPRIATION BILL, 1962. Continued debate on an amendment to this bill, H. R. 7371, to provide for a 2-year extension of the Civil Rights Commission. pp. 16206-13, 16215-8, 16227-9, 16242-61
6. VIRGIN ISLANDS. Received from GAO "a report on the review of certain activities of the government of the Virgin Islands of the United States, fiscal year 1960." p. 16192
7. FARM LABOR. Sen. Keating submitted amendments intended to be proposed to H. R. 2010, to amend and extend the Mexican farm labor program. p. 16193
8. PEACE CORPS. Sen. Humphrey inserted the text of President Kennedy's remarks to Peace Corps volunteers departing for Ghana and Tanganyika in which he stressed the importance of the Peace Corps program. pp. 16236-7
9. ELECTRIFICATION. Sen. Gruening discussed the importance of developing the power resources of Alaska and inserted an article, "The Sitka Blue Lake Hydroelectric Story." pp. 16218-9
10. WET LANDS; WATERFOWL. Sen. Humphrey commended the passage by the Senate of H. R. 7391, to authorize appropriations for a 5-year period of not to exceed \$50 million for the acquisition of wet lands and other essential waterfowl habitat, as an important step in the preservation of our waterfowl population. p. 16237
11. SALINE WATER. Passed over, at the request of Sen. Hart, S. 2156, to expand and extend the saline water conversion program. p. 16204

#### HOUSE

12. SMALL BUSINESS. Passed without amendment H. R. 8922, to increase by \$20 million the amount available for regular business loans under the Small Business Act. p. 16284
13. PERSONNEL. The Armed Services Committee voted to report (but did not actually report) with amendments H. R. 8765, to amend and clarify the reemployment provisions of the Universal Military Training and Service Act. p. D781  
Rep. Jensen discussed his bill, H. R. 8607, and several others, to reduce nonessential Federal personnel by attrition until a 10 percent reduction has been achieved. p. 16303
14. EDUCATION. The Education and Labor Committee reported with amendments H. R. 8890, to amend Public Law 815 and Public Law 874, 81st Congress, so as to extend provisions for Federal assistance for schools in federally impacted areas for an additional year and to extend for one year the student loan program of title II of the National Defense Education Act of 1958 (H. Rept. 1063), and (without amendment) H. R. 8900, to authorize assistance to public and other nonprofit institutions of higher education in financing the construction, rehabilitation, or improvement of needed academic and related facilities, and to authorize financial assistance for undergraduate study in such institutions (H. Rept. 1064). p. 16333  
Rep. Martin said, "I hope that the House will reject both of these pieces of legislation because of the manner in which they have been presented to us." p. 16325



S. 2321. A bill to encourage and aid the development of reconstructive medicine and surgery and the development of medicosurgical research by authorizing the licensing of tissue banks in the District of Columbia, by facilitating antemortem and postmortem donations of human tissue for tissue bank purposes, and for other purposes (Rept. No. 824).

By Mr. HARTKE, from the Committee on the District of Columbia, without amendment:

H.R. 7265. An act to amend the code of law for the District of Columbia so as to provide a new basis for determining certain marital property rights, and for other purposes (Rept. No. 822).

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

S. 2236. A bill to authorize the Secretary of Commerce to employ aliens in a scientific or technical capacity (Rept. No. 825);

H.R. 206. An act to facilitate administration of the fishery loan fund established by section 4 of the Fish and Wildlife Act of 1956, and for other purposes (Rept. No. 826);

H.R. 2429. An act to prohibit destruction of, or injury to, certain property moving in interstate or foreign commerce, and for other purposes (Rept. No. 827);

H.R. 3159. An act to permit certain foreign-flag vessels to land their catches of fish in the Virgin Islands in certain circumstances, and for other purposes (Rept. No. 828);

H.R. 3296. An act to authorize the Secretary of the Interior to nominate citizens of the Trust Territory of the Pacific Islands to be cadets at the U.S. Merchant Marine Academy (Rept. No. 829); and

H.R. 3788. An act to provide for the transfer of the U.S. vessel *Alaska* to the State of California for the use and benefit of the department of fish and game of such State (Rept. No. 830).

By Mr. MANSFIELD, from the Committee on Rules and Administration, without amendment:

S. Con. Res. 39. Concurrent resolution to print three thousand copies of a compilation of the hearings, reports, and committee prints of the Subcommittee on National Policy Machinery (Rept. No. 832).

#### REPORT ENTITLED "THE INSURANCE INDUSTRY"—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 831)

Mr. KEFAUVER. Mr. President, from the committee on the Judiciary I file a report entitled "The Insurance Industry," pursuant to Senate Resolution 52, 87th Congress, together with the individual views of the Senator from Illinois [Mr. DIRKSEN], and the Senator from Nebraska [Mr. HRUSKA]; the individual views of the Senator from Wisconsin [Mr. WILEY], and the individual views of the Senator from North Carolina [Mr. ERVIN].

I ask unanimous consent that the report together with the individual views be printed.

The ACTING PRESIDENT pro tempore. Without objection, the report will be received and printed, as requested by the Senator from Tennessee.

#### BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. BIBLE (by request):

S. 2479. A bill to provide for the satisfaction of claims arising out of scrip, lieu selection, and similar rights; to the Committee on Interior and Insular Affairs.

By Mr. METCALF:

S. 2480. A bill to provide for the distribution of motor-vehicle tires, and for other purposes; to the Committee on Commerce.

By Mr. KERR (for himself and Mr. BRIDGES) (by request):

S. 2431. A bill to amend the National Aeronautics and Space Administration Authorization Act for the fiscal year 1962; to the Committee on Aeronautical and Space Sciences.

By Mr. SCOTT:

S. 2432. A bill for the relief of Ronald Whiting; to the Committee on the Judiciary.

By Mr. DODD:

S. 2483. A bill to amend the act of September 2, 1957, relating to the settlement of certain inequitable losses in pay suffered by commissioned officers under emergency economy legislation; to the Committee on Finance.

(See the remarks of Mr. Dodd when he introduced the above bill, which appear under a separate heading.)

#### SETTLEMENT OF CERTAIN INEQUITABLE LOSSES IN PAY

Mr. DODD. Mr. President, I introduce, for appropriate reference, a bill to amend the act of September 2, 1957, relating to the settlement of certain inequitable losses in pay suffered by commissioned officers under emergency economy legislation.

Under the act of September 2, 1957, Public Law 85-255, commissioned officers of the uniformed services finally received, after 25 years or more, the increased pay to which they were entitled when advanced in rank during the period 1932-34.

Notwithstanding the pay was earned over 25 years ago, the Treasury Department required the Comptroller General to deduct 18 percent withholding tax in the case of every living officer. In a Treasury Department ruling published as Revised Rule 58-443, the Internal Revenue Service admitted that the money paid under Public Law 255 "qualifies as back pay" as remuneration received by a Federal employee.

The bill which I introduce today, would simply make effective as a practical matter the Treasury Department ruling. For example, in the case of Rear Adm. R. E. Bakkenhus, he was admittedly due back pay in the total sum of \$3,450.60. When he applied for payment under Public Law 255, all he actually received was \$2,850.45. The Comptroller General deducted \$590.01 as withholding tax. If he had been paid in 1932-34 he would have been liable for little or no income tax whatever.

Had this situation been realized and foreseeable, of course, Congress would have prevented it when Public Law 255 was enacted by including language similar to this bill.

There should be no objection to this correctional bill. It would not apply to widows of officers as the Comptroller General did not deduct a withholding

tax in their cases when payments were finally made under Public Law 255.

It is estimated that since 2,381 officers were compensated under Public Law 255, and that at least 20 percent are now deceased, this bill would allow the remaining living officers, about 1,900 in number, to receive the tax withheld from them. This bill would at last end the injustice which arose more than 25 years ago.

The ACTING PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 2483) to amend the act of September 2, 1957, relating to the settlement of certain inequitable losses in pay suffered by commissioned officers under emergency economy legislation, introduced by Mr. Dodd, was received, read twice by its title, and referred to the Committee on Finance.

#### AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949—AMENDMENTS

Mr. KEATING. Mr. President, I submit amendments, intended to be proposed by me to the bill (H.R. 2010) to amend Title V of the Agricultural Act of 1949, as amended, and for other purposes. I ask unanimous consent that the amendments be printed in the Record.

The ACTING PRESIDENT pro tempore. The amendments will be received, printed, and lie on the table; and, without objection, the amendments will be printed in the Record.

The amendments are as follows:

On page 2, line 7, after the term "working conditions," add the words "and other terms and conditions of employment."

On page 2, line 8, after the term "foreign workers," add the following:

"For the purposes of this section the term 'other terms and conditions of employment comparable to those offered foreign workers' includes only:

"workmen's compensation or insurance against occupational hazards reasonably comparable to those afforded Mexican workers.

"guarantee of the opportunity to work during at least three-quarters of the workdays in the agreed term of employment.

"provision of basic subsistence when the opportunity to work is not available for extended periods.

"provision of transportation (for the worker only) from place of recruitment and return, or provision of reimbursement for such cost in the ratio that the number of weeks worked bears to the total agreed term of employment and not to exceed a maximum of \$3 per week of employment."

#### AUTHORIZATION OF APPROPRIATIONS FOR ATOMIC ENERGY COMMISSION—CHANGE OF CONFERENCE

Mr. PASTORE. Mr. President, I ask unanimous consent that in the list of Senate conferees appointed to serve as to H.R. 7576, the Atomic Energy authorization bill, the Senator from Tennessee [Mr. GORE] be substituted for the Senator from New Mexico [Mr. ANDERSON].



The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### BILL PLACED ON CALENDAR

Mr. BIBLE. Mr. President, I ask unanimous consent that the bill (H.R. 8466) to authorize the construction of a railroad siding in the vicinity of Taylor Street NE., District of Columbia, be placed on the calendar. A similar bill has been ordered reported by the Committee on the District of Columbia, and the report will be filed within the next few days.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The bill (H.R. 8466) to authorize the construction of a railroad siding in the vicinity of Taylor Street NE., District of Columbia, was read twice by its title, and placed on the calendar.

#### ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. CARROLL:

Address delivered recently by Secretary of Labor Arthur J. Goldberg before the National Convention of Hadassah, at Denver, Colo.

By Mr. BEALL:

Address entitled "The Need for American Salesmanship in a Dynamic World," delivered by Hon. CHARLES MCC. MATHIAS, JR., a Representative in Congress from the Sixth District of Maryland, before the Elks State convention, at Hagerstown, Md., on August 26, 1961.

By Mr. WILEY:

Editorial entitled "AFL-CIO Has Confidence in Destiny of the United States," written by George Meany, published in the AFL-CIO News on August 26, 1961.

Suggestions by him relating to expansion of research by the dairy industry.

By Mr. PASTORE:

Article entitled "A Proposal for Peace," written by Judge Frank Licht, associate justice of the superior court of Rhode Island, published in the Providence Journal of August 27, 1961.

By Mr. COOPER:

Four articles relating to retirement of Charles B. Nuckolls as principal of Booker T. Washington School, Ashland, Ky., published in the Ashland (Ky.) Independent.

By Mr. GORE:

Article entitled "Steel and Politics—At the Crossroads," written by A. J. Glass and published in the New York Herald Tribune of August 27, 1961.

By Mr. METCALF:

Article entitled "Let's Stop the Ladies From Joining the Ladies," written by Senator MAURINE B. NEUBERGER and published in the September 1961 issue of McCall magazine.

By Mr. DODD:

Book review, written by Dr. Joseph F. Thorning and published in the June 17, 1961, issue of National Review.

#### UAW-AMERICAN MOTORS PROFIT-SHARING CONTRACT MAKES LABOR-MANAGEMENT HISTORY

Mr. PROXMIRE. Mr. President, the long-term profit-sharing contract agreed

to in principle by the United Auto Workers and the American Motors Corp. is a landmark in labor-management history. As a means of giving workers a stake in their companies, profit sharing has a long and noble history. A number of outstanding Wisconsin firms, including the Milwaukee Journal Co. and the Nunn-Bush Co., to name just two in my own State, have had profit-sharing programs for many years. They have operated with conspicuous success, to the mutual satisfaction of both labor and management.

In the light of Wisconsin's happy experiences with such plans in the past, it is most fitting that this agreement in the automobile industry should include the American Motors Corp., whose main plants are located in Kenosha and Milwaukee. The men and women who work in these factories will benefit in years to come from the growth and revenues of their company. Their pride of achievement in jobs well done will earn specific rewards, as quality workmanship and other results of good labor practices bring higher profits to the firm.

The tentative agreement, which has been achieved after careful, constructive negotiations and without the threat of strike, reflects great credit on the imaginative leaders of the two organizations, Mr. Walter Reuther, of the United Auto Workers, and Mr. George Romney, of American Motors. The great stature of both men in their fields is shown to be fully justified by this precedent-making agreement.

In an editorial commenting favorably on the new contract, the New York Times yesterday stated that the agreement "brings profit sharing into greater prominence as a possible mode of worker compensation than it has been for many years."

The editorial also recalls that profit sharing traditionally was urged more by management than by labor. Thus, the fact that in this case the union took the initiative in urging such a program makes this agreement all the more significant.

I ask unanimous consent that the editorial from the New York Times, and an article from the New York Times of August 27, and the text of the UAW-American Motors statement, be printed at this point in the RECORD.

There being no objection, the editorial, the article, and the statement were ordered to be printed in the RECORD, as follows:

#### PROFIT SHARING IN DETROIT

Walter P. Reuther's imaginative leadership of the United Automobile Workers appears to have achieved a significant breakthrough for his profit-sharing ideas. The tentative agreement on this issue between the union and the American Motors Corp. brings profit sharing into greater prominence as a possible mode of worker compensation than it has been for many years. Most immediately, of course, this agreement creates pressure on the Big Three automobile companies to alter their opposition and agree to some similar scheme for their own workers. And if General Motors, Ford, and Chrysler do accept profit-sharing proposals in their new contracts major precedents will have been set that could affect many other union-management negotiations.

There has been a curious reversal of roles on the issue of profit sharing in this latest

chapter of its history. Traditionally, it was employers who urged profit-sharing schemes upon their workers. The unions viewed such ideas with suspicion, sometimes regarding them even as ingenious antiunion devices. When the idea of profit sharing was born a century or so ago it was advanced by the Christian Socialists in England and France, who saw in it a counter to the Marxists' advocacy of class struggle and proletarian dictatorship.

Thus profit sharing by workers who have won it from major corporations in a union contract will be a rather new industrial phenomenon if Mr. Reuther wins his current battle. But there is abundant past experience with profit-sharing schemes, many of which have been tried and found wanting. On the other hand, the Eastman Kodak Co.'s wage dividend plan has been kept voluntarily in existence since 1912 and recently distributed a record \$48 million to the company's employees, an average of more than \$1,000 a worker. Obviously profit-sharing plans are much more attractive in a period when there are profits than when there are none. Proponents of these plans argue usually that their very existence gives workers an interest in helping to assure profits which goes far beyond the stimulus provided by conventional wages. The Nation may soon have a chance to see in practice whether this argument holds in the auto industry.

AMERICAN MOTORS AND UAW AGREE TO SHARE PROFITS—ACCORD REACHED IN PRINCIPLE ON PROVISIONS FOR A NEW 3-YEAR CONTRACT—OTHER CLAUSES LIBERAL—COMPANY BOWS ON AN ANNUAL IMPROVEMENT INCREASE AND COST-OF-LIVING RISE

(By Damon Stetson)

DETROIT, August 26.—The American Motors Corp. and the United Automobile Workers reached agreement in principle today on a profit-sharing plan new in the automobile industry.

The accord on provisions to be included on a new 3-year contract was announced jointly by Edward L. Cushman, American Motors vice president, and Walter P. Reuther, union president.

The agreement also provides for continuation of annual improvement-factor wage increases, expected to average close to 7 cents an hour a year, and continuation of the present cost-of-living formula.

The company had originally sought to eliminate these features from the new contract.

Even without the profit-sharing features, the tentative agreement provides for substantially greater improvements that were contained in economic offers made earlier this week by the General Motors Corp., the Ford Motor Co., and the Chrysler Corp.

#### PROFITS SHOW DECLINE

Mr. Reuther is expected to turn to these companies now in an effort to obtain higher benefits than they have so far proposed.

All three, however, have indicated an aversion to any profit-sharing approach. Their contracts, covering a total of about 490,000 workers, expire next Thursday.

The American Motors contract, covering 23,000 workers, expires September 6.

Under terms of the American Motors profit-sharing plan, which the company prefers to call progress sharing, 10 percent of the profits before taxes, after deduction of 10 percent of the stockholders' equity, will be made available for workers in either cash or benefits.

In the company's last fiscal year this would have amounted to about \$360 per worker, but the company's profits this year are running considerably behind those of the 1960 fiscal year.

Besides the 10 percent that goes into a progress-sharing fund, an additional 5 percent would be made available to employees







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
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or cited)

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**HIGHLIGHTS:** Senate debated Mexican farm labor bill. Senate committee reported 30-year retirement bill. Sens. Javits and Keating opposed enactment of national milk sanitation standards bill.

## SENATE

- FARM LABOR.** Began debate on H. R. 2010, to extend and amend the Mexican farm labor program (pp. 17593, 17603-28, 17639-42, 17644). (See Digest 129 for a summary of the provisions of the bill as reported.) Agreed to an amendment by Sen. Jordan to provide that workers recruited under the program shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them (p. 17608). Sen. Keating submitted an amendment he intends to propose to the bill, to provide that before Mexican workers can be employed, efforts must be made to attract domestic workers by offering them conditions of employment comparable to those offered Mexicans (pp. 17626-7). Pending at adjournment was an amendment by Sen. McCarthy to provide that no Mexican worker recruited under the program shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays such worker wages at least equivalent to 90 percent of the average farm wage in the State in which the area of employment is located, or 90 percent of the national farm wage average, whichever is lesser (pp. 17605-28, 17638-42). Agreed to a unanimous-consent request by Sen. Mansfield that on Mon., Sept. 11, debate on the McCarthy and Keating amendments shall be limited to 20 minutes (p. 17607).



2. PERSONNEL. The Post Office and Civil Service Committee reported with amendment S. 188, to permit civil service employees to retire after 30 years' service (S. Rept. 909). p. 17499

The Post Office and Civil Service Committee reported without amendment H. R. 2555, to authorize pay with respect to civilian employees of the U. S. in cases of emergency evacuations, and to consolidate the laws governing allotments and assignment of pay by such employees (S. Rept. 910). p. 17499

Received from the Civil Service Commission a proposed bill "to provide for the payment of compensation and restoration of employment benefits to certain Federal officers and employees improperly deprived thereof"; to Post Office and Civil Service Committee. p. 17499

3. PUBLIC LANDS. The Agriculture and Forestry Committee reported the following bills: p. 17499

H. R. 3879, without amendment, to authorize the Secretary of Agriculture to convey to Wyoming for agricultural purposes the SCS Farson Pilot Farm in Sweetwater County, Wyo. (S. Rept. 906).

H. R. 3920, without amendment, to authorize the exchange of a parcel of land at the Agricultural Research Center (S. Rept. 907).

H. R. 4682, without amendment, to authorize the Secretary of Agriculture to sell and convey certain tracts of forest land in Iowa to the State (S. Rept. 905).

H. R. 6193, without amendment, to authorize the Secretary of Agriculture to convey a tract of forest land in Wyoming to Fremont County (S. Rept. 904).

4. WATER RESOURCES. The Public Works Committee voted to report (but did not actually report) with amendment S. 856, to grant the consent of Congress to the Delaware River Basin compact. p. D829

Received a Regional Chamber of Commerce Council, Middletown, N. Y., resolution favoring the compact. p. 17499

5. DISARMAMENT AGENCY. Passed, 73 to 14, <sup>with amendments</sup> S. 2180, to provide for the establishment of a United States Disarmament Agency for World Peace and Security. pp. 17517-68, 17572-9, 17585, 17589-93, 17642-4

6. MILK STANDARDS. Sens. Javits and Keating <sup>opposed</sup> enactment of legislation to provide for the establishment of national milk sanitation standards for the interstate shipment of milk and inserted several items on the matter. pp. 17579-84

7. EDUCATION. The "Daily Digest" states that the Labor and Public Welfare Committee "ordered favorably reported with amendments S. 1241, authorizing Federal financial assistance for institutions of higher education (the principal amendment would adopt as a new title IV to the bill the text of S. 1140, to provide a program of financial assistance to the States for the construction of public community colleges)." p. D829

At the request of Sen. Mansfield, H. R. 9000, to extend for two additional years the provisions of Public Laws 815 and 874, 81st Congress (regarding aid for schools in federally impacted areas), and the National Defense Education Act of 1958, was taken off the calendar and referred to the Committee on Labor and Public Welfare. p. 17502

Began consideration of S. 2393, to extend for one year the authority for Federal assistance for the construction and operation of schools in federally impacted areas. pp. 17644-5



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HIGHLIGHTS: House passed bill to provide CCC feed for livestock in disaster areas. House committee voted to report bills for hog cholera eradication program and for lease and transfer of tobacco acreage allotments. House committee voted to report foreign aid authorization bill. Senate passed independent offices appropriation bill. Several Representatives urged enactment of additional sugar legislation.

## SENATE

1. INDEPENDENT OFFICES APPROPRIATION BILL, 1962. Passed with amendments this bill, H. R. 7445 (pp. 13121, 13125-65). Agreed to an amendment by Sen. Javits to provide \$30,000 for publication of the Official Register listing Government officials (pp. 13149-51). The bill also includes items for the Office of Civil and Defense Mobilization, Civil Service Commission, General Accounting Office, General Services Administration, Housing and Home Finance Agency, Interstate Commerce Commission, National Science Foundation, Selective Service System, and Veterans' Administration. Conferees were appointed (p. 13165). House conferees have not yet been appointed.
2. MANPOWER RESOURCES. The Labor and Public Welfare Committee reported with amendments S. 1991, the proposed Manpower Development and Training Act of 1961 (S. Rept. 651). p. 13099
3. EDUCATION. The Labor and Public Welfare Committee reported an original bill to extend and improve the National Defense Education Act of 1958 (S. Rept. 652). p. 13099

H. R. 2345,



4. AREA REDEVELOPMENT. Sen. Tower protested the recent release by the Area Redevelopment Administration of the "names of some 47 Texas counties designated as depressed or distressed areas eligible for assistance under the terms of the Area Redevelopment Act," stated that he had received "a flood of complaints from many of the counties affected," and suggested that "appropriate steps be taken immediately to change the criteria used and the procedures followed in the administration of the Area Redevelopment Act." p. 13107

Sen. Miller inserted an article discussing the designation of two Iowa counties, Appanoose and Monroe, as depressed areas and stating that "County business leaders look with favor on any Federal aid to brighten their economic picture, but they don't agree that Appanoose is a depressed area." pp. 13117-8

5. FARM LABOR. As reported by the Agriculture and Forestry Committee (see Digest 124), H. R. 2010, to extend the Mexican farm labor program, includes provisions as follows: Extends the program for 2 years, until December 31, 1963. Incorporates in the basic act covering the Mexican farm labor program provisions now carried in appropriation acts requiring employers of workers recruited under the program to reimburse the U. S., up to \$15 per worker, for all expenses of the program, except salaries and expenses of personnel engaged in compliance activities. Prohibits Mexican workers from being made available in any area unless reasonable efforts have been made to attract domestic workers at wages, standard hours of work, and working conditions comparable to those offered to Mexican workers. Prohibits the furnishing to, or retention by, an employer of any Mexican for employment in other than temporary or seasonal occupations or to operate or maintain power-driven machinery, except in specific cases to avoid undue hardship, and unless the employer pays both domestic and Mexican workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work. Prohibits the furnishing of Mexican workers for horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products.

6. FORESTRY. Sen. Ervin inserted an article, "Pattern for Federal Takeover of Your Business," criticizing a "12-part Federal program to prod the 4.5 million small forest owners to practice improved forestry," and stating that "There can be no freedom to try new and different ways if all forestry operations must meet Government regulations." pp. 13166-8

Sen. Gruening discussed the research work being performed by the University of Alaska and commended inclusion in the Interior appropriation bill for 1962 of an item for a forest research products laboratory to be situated at the University for research on "the protection, conservation, and use of the vast acreage of timber that lies in interior Alaska." p. 13110

7. FOOD PRICES. Sen. Miller deplored the "tendency on the part of many people to blame food prices as the cause of the squeeze on their paychecks and savings accounts and, in turn, to erroneously conclude that farmers are benefiting at their expense," and inserted an article, "What You Don't Know About Living Costs," in support of his statement. pp. 13116-7

8. FOOD PRODUCTION. Sen. Keating inserted an article discussing increased food production in Japan and Formosa, "Meeting Asia's Food Problem," and he stated that "It is interesting that two countries in Asia which have largely overcome the problem of a food shortage have done it, not by following the Communist pattern, but by organizing their agriculture economy along free enterprise lines." p. 13111



propriated shall be available for payment under such contract which includes any provisions precluding an audit of the General Accounting Office of any transaction under such contract: *And provided further*, That nothing in this section shall preclude the earlier disposal of contractor and subcontractor records in accordance with records disposal schedules agreed upon between the Director and the General Accounting Office.

#### *Transfer of functions to agency*

SEC. 46. (a) The United States Disarmament Administration, together with its records, property, personnel, and funds, is hereby transferred to the Agency. The appropriations and unexpended balances of appropriations transferred pursuant to this subsection shall be available for expenditure for any and all objects of expenditure authorized by this Act, without regard to the requirements of apportionment under section 665 of title 31.

(b) The President, by Executive order, may transfer to the Director any activities or facilities of any Government agency which relate primarily to arms control and disarmament. In connection with any such transfer, the President may under this section or other applicable authority, provide for appropriate transfers of records, property, civilian personnel, and funds. No transfer shall be made under this subsection until (1) a full and complete report concerning the nature and effect of such proposed transfer has been transmitted by the President to the Congress, and (2) the first period of sixty calendar days of regular session of the Congress following the date of receipt of such report by the Congress has expired without adoption by either House of the Congress of a resolution stating that such House does not favor such transfer.

#### *Use of funds*

SEC. 47. Appropriations made for the purposes of this Act, and transfers of funds to the Agency by other Government agencies for such purposes, shall be available to the Agency to exercise any authority granted it by this Act, and shall also be available for the following uses to carry out the purposes of this Act including, without limitation, expenses of printing and binding without regard to the provisions of section 11 of the Act of March 1, 1919 (44 U.S.C. 111); purchase or hire of one passenger motor vehicle for the official use of the Director without regard to the limitations contained in section 78(c) of title 5 of the United States Code; entertainment and official courtesies to the extent authorized by appropriation; expenditures for training and study; expenditures in connection with participation in international conferences for the purposes of this Act; and expenses in connection with travel of personnel outside the United States, including transportation expenses of dependents, household goods, and personnel effects.

#### *Appropriations*

SEC. 48. (a) There are hereby authorized to be appropriated not to exceed \$10,000,000, to remain available until expended, to carry out the purposes of this Act.

(b) Funds appropriated pursuant to this section may be allocated or transferred to any agency for carrying out the purposes of this Act. Such funds shall be available for obligation and expenditure in accordance with authority granted in this Act, or under authority governing the activities of the agencies to which such funds are allocated or transferred.

#### *Report to Congress*

SEC. 49. The Agency shall submit to the Secretary of State, for transmittal to the Congress, not later than January 31 of each year, a report concerning activities of the

Agency. The Agency shall include in this report, and shall at such other times as the Secretary of State deems desirable submit to the Congress, recommendations for additional legislation deemed necessary or advisable.

Mr. HUMPHREY. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. KUCHEL. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from California.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Without objection, the title will be appropriately amended, so as to read: "An act to establish a U.S. Arms Control and Disarmament Agency for World Peace and Security."

Mr. MANSFIELD. Mr. President, I ask unanimous consent that Senate bill 2180 as passed today by the Senate be printed.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HUMPHREY. Mr. President, on behalf of the Senate Foreign Relations Committee, I wish to express to the members of the committee staff our sincere thanks for their valuable assistance—and particularly to Miss Hansen, for the preparation of the report on the Disarmament Agency bill.

#### MEXICAN FARM LABOR PROGRAM

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 592, House bill 2010.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes which had been reported from the Committee on Agriculture and Forestry with an amendment to strike out all after the enacting clause and insert:

That section 502(2) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker; and".

"SEC. 2. Clause (3) of section 503 of such Act is amended to read as follows: '(3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers'.

"SEC. 3. Sections 504 through 509 of such Act are renumbered sections '506' through '511' respectively; the reference to 'section 507' in section 508, renumbered as section '510', is changed to section '509'; and the following new sections '504' and '505' are inserted after section 503:

"SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

"(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary

of Labor necessary to avoid undue hardship; or

"(2) for employment to operate or maintain power-driven machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.

"SEC. 505. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to both domestic and foreign workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work, as determined by the Secretary of Labor, and unless the Secretary of Labor determines pursuant to section 503(2) that such prevailing wage rate is not adversely affected by the employment of Mexican workers."

"SEC. 4. Paragraph (1) of section 507 of such Act, renumbered as section '509' is amended by changing the comma after the words 'Internal Revenue Code, as amended' to a period and deleting the remainder of the paragraph.

"SEC. 5. Section 509 of such Act, as amended, renumbered as section '511', is amended by striking 'December 31, 1961' and inserting 'December 31, 1963'."

#### UNITED NATIONS POLICY IN THE CONGO AND THE DANGER OF A COMMUNIST TAKEOVER

Mr. DODD. Mr. President, while the eyes of the free world have been focused on Berlin, world communism has, since the beginning of this year, scored significant advances in Asia, in Africa, and in Latin America.

In Asia, because the Communists acted in Laos, and we did not act, they now have us negotiating, virtually on their terms, for the creation of a coalition government. It was a victory in a faraway country, which the Communists achieved with small forces and at relatively little cost. But it is a victory which may nevertheless provide them with the key to southeast Asia.

In Latin America on August 21, international communism won its first continental beachhead when Cheddi Jagan, the pro-Communist candidate triumphed in the British Guiana elections. Again this was a small victory in a remote country about which we know little. But it was a victory which may provide the Kremlin with the possibility of subverting all or most of Latin America.

I rise to speak now, Mr. President, because there is a serious danger, unless we act with courage and expedition, that the Communists will take over in the Congo and thus secure for themselves a base for operations that will affect the whole of central Africa. I have reason to believe, Mr. President, that we may have only months or weeks in which to salvage this situation.

I recently had occasion to call attention to the fact that the United States had actually abetted Cheddi Jagan in the British Guiana election by approving a \$1,250,000 loan by the World Bank in the critical preelection period.

Earlier this year, we made another financial contribution to the expansion and consolidation of Communist power by approving a grant of \$1,157,600 to the



Castro regime by the United Nations Special Fund.

As is common knowledge, the United States put up the lion's share of the money for both of these international financial organizations.

But our folly does not yet seem to have exhausted itself. For more than 1 year now we have been paying the better part of the bill for the U.N.'s operations in the Congo. The cost of these operations to date is estimated at \$100 million, of which our own share is approximately 50 percent. But while we have been paying the bill, United Nations policy in the Congo has, for all practical purposes, been determined by Prime Minister Nehru of India, or to be more precise, by his unspeakable adviser on foreign affairs, Mr. Krishna Menon, who calls himself an Indian, but who invariably talks with the voice of Moscow.

Under the guise of assisting the central government and reestablishing parliamentary rule, the United Nations, although it may not recognize this fact, has been preparing the way, step by step, for a Communist takeover in the Congo.

The United Nations first gave its unconditional support to the regime of Patrice Lumumba.

When Lumumba was dismissed by President Kasavubu in September 1960, his chief aid, Antoine Gizenga, a Prague-trained Communist, set up an independent regime in Stanleyville, the capital of Oriental Province.

The U.N. did nothing to interfere with Gizenga's action in setting up this independent, Moscow-oriented regime.

It did nothing to curb the reign of terror which Gizenga instituted against the white residents of Oriental and Kiwu Provinces and against anti-Communist political opponents.

It did nothing to prevent the massive influx of Communist arms to Gizenga, via Cairo.

To round out the picture, it did everything in its power to prevent and restrain President Kasavubu from reasserting the authority of the Central Government over Oriental Province.

Within recent weeks, the U.N. has fostered the creation of a so-called coalition government, so heavily weighed in favor of the Communists that, unless we do something to reverse the course of U.N. policy, the outcome is virtually a mathematical certainty.

The Prime Minister, Adoula, is, by reputation, not a Communist but simply a neutralist. The Vice Premier, however, is Antoine Gizenga, a cadre Communist, while the key position of the Ministry of the Interior has been awarded to Gizenga's most notorious henchman, Christophe Gbenye, also a Prague-trained Communist. Gbenye, incidentally, as Minister of the Interior in the pro-Communist regime in Oriental Province, was directly responsible for instigating the murder and rape and terror against the white residents of the province.

Just as disturbing as the measures it has taken to expand the influence and power of the Communists, are the measures the U.N. has taken and is today taking to undermine and destroy

the Government of President Tshombe of Katanga Province, the most solid bulwark against communism in the Congo, and, indeed, in central Africa.

Katanga is the richest province of the Congo. It provides 60 percent of the world's cobalt output and 7.5 percent of its copper output. Its capital, Elizabethville, has been described by American businessmen as a potential Chicago of central Africa.

Katanga is the one province of the Congo where law and order has been maintained.

It is the only province that has enjoyed an efficient administration and that has been able to improve its economic position since independence.

President Tshombe has, according to competent American observers, demonstrated that he is a man of rare intelligence, courage, and dedication. He and most of his cabinet members are devoutly religious men whose profound enmity towards communism springs from their adherence to moral values. His record proves that he is anything but a Belgian puppet. He is a man of rare character who has remained loyal to the free world despite the indignities he has suffered at the hands of the U.N., acting with the apparent support of the free world.

In the light of these considerations, it is easy enough to understand why the Communists are bending every effort to undermine the government of President Tshombe, to destroy his army and to promote economic chaos. The downfall of Tshombe, after all, would leave a vacuum that only the Communists could fill.

What I cannot understand is why or how the U.N. has converted itself into an instrument of Communist policy in central Africa, and why the United States should be supporting and footing the bill for the United Nations military and police state operations against the anti-Communist government of President Tshombe.

Mr. President, incredible things are taking place in the Congo today under the flag of the United Nations and with the apparent approval and support of the American authorities on the spot and of our Department of State.

The United Nations Army, for which we are paying, has invaded Katanga and has taken over key powers from the legal government of the area. Of the 20,000 U.N. troops in the Congo, 14,000 have now been moved into Katanga, while less than 2,000 are stationed in the Oriental Province stronghold of Vice Premier Gizenga and his Communist cohorts.

On Monday, August 28, at dawn, the United Nations forces surrounded the barracks of the Katanga Army, and informed the 200 Belgian officers who had been serving with this well-trained and disciplined army that they would have to leave the country within 24 hours. They were ordered—I quote—"to surrender" themselves to the U.N. command before the end of the day. Several hundred noncommissioned officers of Belgian and other nationality were also affected by this order.

Mr. President, I want to read to my colleagues a few paragraphs from the current issue of Time magazine, describing the brutal intervention of the U.N. Army against the army and Government of Katanga. I do not know whether the U.N. had a code name for this operation, but if it did not, I would suggest that it consider calling it "Operation Decapitation."

Here are the words of Time magazine:

At dawn, blue-helmeted U.N. troops swarmed into action at Elisabethville, capital of the Congo's breakaway Katanga province. Without any warning to the Katangans, platoons of Indians seized the studios of Radio Katanga; Swedish infantry occupied the transmitter site on the outskirts of the city. At Katanga army headquarters, Irish troops intercepted Belgian officers on their way to work. Most of Katanga's 684 white officers surrendered expeditiously and were promptly put under U.N. detention pending expulsion from Katanga. Others prudently went underground or sought asylum at Elisabethville's foreign consulates. The 11,600 black Katanga troops remained passive, possibly because U.N. soldiers staged ferocious public bayonet drills and small-arms exercises in a pointed show of power. Remarkd one senior Indian U.N. officer: "We have these soldiers scared witless."

A delegation of U.N. officers went to see President Moise Tshombe, who between dawn and breakfast suddenly found himself deprived of most of his army's officer corps. Only a fortnight ago, Tshombe vowed to fight "unto death" any U.S. interference in his province. After listening to the delegation's tough talk, Tshombe meekly went on the air to appeal for calm. "The government bows to the decisions of the U.N.," he said. Then he took to his bed with a "mild heart attack."

It is a miracle that the Katanga army did not fall apart as a result of this sweeping action by the U.N. command. That it did not do so, is a tribute both to the discipline and training of the army and to the personal authority enjoyed by President Tshombe.

The U.N. command has also ordered out of the country many Belgian civilians who were serving as technicians and administrators in various capacities. In view of the present lack of trained Africans, this is a very cruel blow against the administration, the economy and general stability of the country.

In ordering the Belgian officers and technicians out of the Congo, the U.N. command was basing itself on a resolution approved by the United Nations Security Council on February 21, which called for the withdrawal of all white advisers from Katanga. The United States, I regret to say, voted for this resolution.

This resolution did not endow the U.N. commander with police powers, nor did it define what was meant by an "adviser," nor did it establish any procedures. But the United Nations command in the Congo has not been deterred by this lack of specific directives.

It has interpreted the word "adviser" to mean any Belgian holding a technical or administrative position of importance.

It has arrested people or ordered them expelled from the country, with no notification of charges, and no provision for legal procedure or appeal.



The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was rejected.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. MORSE. Mr. President, I yield back the remainder of my time.

Mr. RUSSELL. Mr. President, I yield back any remaining time I have.

The PRESIDING OFFICER. All time has been yielded back. The question is on the engrossment and third reading of the bill.

The bill (S. 1563) was ordered to be engrossed for a third reading, was read the third time, and passed, as follows:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Army is authorized and directed to convey to the Georgia-Carolina Council, Incorporated, Boy Scouts of America, without monetary consideration therefor, but subject to the conditions of this Act, the area or areas he determines to be available for conveyance within the two hundred and eighty-two acres of land leased to the said Boy Scouts Council at the Clark Hill Reservoir, Savannah River, Georgia-South Carolina, under lease granted January 1, 1961, numbered DA-09-133-CIVENG-61-316.

SEC. 2. Title to property authorized to be conveyed by this Act shall revert to the United States, which shall have the right of immediate entry thereon, if the Georgia-Carolina Council, Incorporated, Boy Scouts of America—

(1) has not commenced the development of such property for recreation and camping purposes within the three-year period beginning on the date of enactment of this Act; or

(2) shall ever cease to use such property for recreation and camping purposes.

SEC. 3. The Secretary of the Army is authorized to grant to the Georgia-Carolina Council, Incorporated, Boy Scouts of America, such rights-of-way for public access and utility lines across any property of the United States as may be necessary to facilitate the development and use of the property conveyed under authority of this Act for recreation and camping purposes.

SEC. 4. The conveyance of the property herein authorized shall be subject to the right to flood due to the fluctuation of the water level of the Clark Hill Reservoir project and to such other conditions, reservations, and restrictions as the Secretary of the Army may determine to be necessary for the management and operation of said Clark Hill Dam and Reservoir project.

SEC. 5. The cost of any surveys necessary as an incident of the conveyance authorized herein shall be borne by the Georgia-Carolina Council, Incorporated, Boy Scouts of America.

#### MEXICAN FARM LABOR PROGRAM

The Senate resumed the consideration of the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business?

The PRESIDING OFFICER. H.R. 2010, to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. JORDAN. Mr. President, I shall make a brief explanation of H.R. 2010. I was chairman of the subcommittee which held hearings on the bill, and I am thoroughly familiar with the testimony offered; therefore, I wish to give a brief explanation.

This bill would extend the Mexican farm labor program for 2 years and make a number of improvements in the program.

The Mexican farm labor program was authorized in 1951 by Public Law 78 of the 82d Congress. Under this program the Secretary of Labor, pursuant to an agreement with the Republic of Mexico, recruits workers in Mexico for agricultural employment in the United States. Pursuant to this agreement, as well as the law, a number of assurances are provided for the protection of the Mexican workers, including a guarantee by the Secretary of the payment of wages and transportation by farm employers. Employers who employ Mexican workers are required to indemnify the United States for its guarantee of their contracts and to pay into a revolving fund a fee for each worker to support the program financially. The program is self-supporting, except for compliance activities and certain executive functions. The workers are greatly needed during the periods of peak employment, such as at harvest time, when the crops must be either harvested or lost and there are not a sufficient number of domestic workers available. The program also provides a number of safeguards to prevent any importation of Mexican workers which might have an adverse effect on the employment of domestic agricultural workers. The program has been extended on various occasions to December 31, 1955, June 30, 1959, June 30, 1961, and December 31, 1961.

Hearings were conducted by the Subcommittee on Agricultural Research and General Legislation on three bills dealing with extension or amendment of the program. H.R. 2010, as passed by the House of Representatives, provided for a simple extension of 2 years. S. 1466 and S. 1945 provided for various amendments of the law designed to provide greater protection for the domestic workers. The committee gave very careful consideration to all of these bills, and to the differing points of view presented at the hearings, and have recommended amendment of H.R. 2010 to include some additional protection for the domestic workers. These changes should, in the opinion of the committee, prove adequate to protect fully the American worker without imposing such restrictions on the program as would necessitate the loss of crops on account of the inability to obtain workers from any source.

The law already contains a number of provisions designed to protect the American worker from any adverse effect as a result of the program. In the first place, the Secretary of Agriculture must determine that the Mexican workers are needed to assist in certain production. Second, the cost of bringing the worker from Mexico, including subsistence, medical care, and burial expenses, where necessary, must be borne by the em-

ployers, in addition to the payment of prevailing wages and the furnishing of other benefits which the employer might ordinarily make available to domestic workers. Third, the law prohibits any Mexican worker from being made available for employment in any area unless the Secretary of Labor has determined and certified that the following situations exist:

(1) Sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed;

(2) The employment of Mexican workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed; and

(3) Reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered foreign workers.

Both S. 1466 and S. 1945 would have prohibited the employment of Mexican workers recruited under the program unless employers—or, in the case of S. 1945 the specific employer—had made reasonable efforts to attract workers not only at comparable wages and hours, but also at comparable terms of employment. It appeared to the committee that this would result in a very complex and difficult situation. The terms of employment provided for Mexicans under the arrangements with Mexico provide for transportation from points in the interior of Mexico, burial expenses, work guarantees, housing in barrack-type dormitories with other single male workers, cooking facilities, sanitary facilities, laundry facilities, Mexican social security benefits, protection from immoral and illegal influences, worker representation, insurance, and other terms resulting from agreement with the Mexican Government. These terms simply do not apply to domestic workers who may or may not be migrants, may or may not be single workers, may go wherever they please in the United States, and accept any type of employment. Of course, under the proposal advanced, the employer would not have to offer identical terms of employment, but rather would be required to offer comparable terms of employment. But what term would be comparable, let us say, to the cost of transportation from Mexico where the employee is a citizen of the community in which the work is performed? Perhaps the employer would be required to pay a higher wage to a local worker, but the agreement with Mexico provides that the Mexican worker shall be paid not less than the prevailing wage rate paid to domestic workers. If the domestic workers' wages are raised to compensate for transportation and the prevailing wage is thereby raised, the Mexican worker's wage would have to be raised. The two provisions could never be in perfect balance since an increase in either the prevailing wage or the wage paid the Mexicans would require an increase in the other. Of course such a spiral could not possibly be intended. Presumably the provision would be administered in some manner worked out by the Secretary of Labor in some way that he might con-



sider suitable. The committee was not able to determine what this might be.

Rather than require employers to furnish benefits to domestic workers comparable to benefits which, by their very nature, are inapplicable to domestic workers and cannot be made applicable to them, the committee restricted this proposal to cases where the domestic and foreign workers were in comparable situations. In addition to "wages and standard hours of work" comparable to those furnished the Mexican workers, the committee amendment provides that employers must offer "working conditions" to domestic workers comparable to those offered foreign workers. Thus employers would have to offer domestic workers at least as good wages, hours, and physical conditions of safety and sanitation, as would be provided the Mexican workers. The employers would not have to offer domestic workers anything comparable to transportation from Mexico or to the other terms peculiar to the importation of Mexican workers.

Another provision of S. 1945 would have prohibited the employment of Mexican workers in other than temporary or seasonal occupations, except when necessary to avoid undue hardship. The committee felt this recommendation to be a good one. The purpose of the act is to meet temporary and seasonal labor needs. It is not intended to provide workers for permanent employment or with jobs which should be filled by domestic workers on a year-round basis. This recommendation has been included in the committee amendment.

Another proposal of S. 1945 would have prohibited the use of Mexican workers for employment involving the operation of power-driven machinery, except when necessary to avoid undue hardship. The committee felt that this proposal was an excellent one, but that its language might be construed to prohibit employment in which the worker neither operated nor maintained the machinery, but merely loaded it or did some other manual task in connection with the machinery, which required no special skill or training. The committee amendment therefore prohibits the employment of Mexican workers recruited under the program to "operate or maintain" power-driven machinery, except where necessary to avoid undue hardship. The committee felt very strongly that there is no shortage of American workers to perform the jobs requiring greater skill or training, and that there is therefore no need for the recruitment of Mexican workers and their transportation here to perform such work.

Another provision of S. 1945, which was favored by some of the witnesses before the committee and opposed by others, would have required employers to pay Mexican workers recruited under the program and domestic workers not less than the lowest of the following:

- (a) The average farm wage in the State;
- (b) The national farm wage average; or
- (c) Ten cents per hour above the highest wage rate prevailing during the last previous season in which workers recruited under the program were employed in the area.

This appeared to the committee to be a rather haphazard method of providing for a constantly self-escalating mini-

mum wage for agricultural workers. In the past, Congress has specifically exempted agricultural employment from the minimum wage laws. If, at some time in the future, it should appear desirable to establish minimum farm wages, the method should be carefully worked out by Congress after the most thorough consideration. The proposal advanced in the hearings was not such a carefully worked out plan, but provided for three different criteria. The first of these was the average farm wage in the State for all types of farm employment, including the highest paid type of farm work. Such an average can hardly be an appropriate measure of fair wages for the least skilled type of labor. The second criterion suggested was the national farm wage average. This not only includes the wages for the highest paid and most skilled types of agricultural employment, but it covers types of employment which may not even exist in the State where the labor is being performed, and includes wages paid in areas where living conditions and costs may be entirely different from those in which the labor is being performed. This also did not appear to the committee to be a fair measure. The third criterion proposed was 10 cents per hour above "the highest wage rate prevailing during the last previous season in which workers recruited under this title were employed in the area and in the activity involved." This criterion therefore looks to some past year which may not be representative of the situation prevailing during the year in which the employment is performed and uses not the average wage rate, but the highest wage rate prevailing at any time during that season for any type of employment. All three of these criteria would, of course, be self-escalating. As wages might be increased to meet the criteria, the criteria would also rise, either for the current season or the succeeding season. The committee gave very careful consideration to the testimony on this point and particularly to the allegations in the hearing that in some cases domestic workers were being paid less than Mexican workers, while in other cases the Mexican workers were being discriminated against. Of course, some domestic workers will always be paid more than some Mexican workers, and some Mexican workers will be paid more than some domestic workers. However, to prevent any discrimination between workers in this respect, the committee has recommended an amendment to require employers of Mexican workers recruited under the program to pay both their domestic workers and their Mexican workers not less than the prevailing wage rate for similar work in the area of employment.

The committee amendment also adopts another provision recommended in S. 1945, which would amend the definition of agricultural employment for the purpose of the program to prohibit the furnishing of Mexican workers for some processing activities.

A further provision of S. 1945 of a technical nature is contained in the committee amendment. This provision would make no change in the substance

of the program, but would include in the basic act covering the program an existing appropriation act requirement that employers reimburse the United States up to a \$15 maximum for all expenses of the program, except salaries and expenses of personnel engaged in compliance activities.

With the protection now provided in the law and the additional protection provided by the committee amendment, the Secretary of Labor should be able to administer the program in a way which will provide complete protection for domestic workers, while insuring sufficient workers whenever and wherever needed to perform the work that must be done.

I recommend that the Senate accept and pass the bill as amended and reported by the committee.

Mr. ELLENDER. Mr. President, for a number of years it has been necessary to bring in agricultural workers to help during harvest and other peak periods. In 1948, the United States and Mexico entered into an agreement, under which, without cost to the Federal Government, agricultural employers unable to obtain adequate domestic farm labor recruited workers in Mexico under the supervision of the United States and Mexican Governments. The employer paid the cost of transporting the worker from Mexico and return and the cost of his supplies and subsistence during the period of movement. The employer was also required to post a bond of \$25 for each worker to guarantee his departure from the United States when his work was completed. The 1948 agreement was terminated in October 1948, and a new similar, but improved, agreement became effective August 1, 1949.

A number of difficulties were encountered under both the 1948 and 1949 agreements. Since employers did their own recruiting, it was cheaper for them to recruit as close to the border as possible. Mexicans who desired work converged on the border in great numbers, creating problems for the border towns and for the Government of Mexico. Large numbers of Mexicans crossed the border illegally to obtain employment. These illegal entrants could not obtain the wage guarantees provided for by the agreement with Mexico. Their employment was having an adverse effect on domestic farm wages, and they created special problems for our Spanish-American population, for the Immigration and Naturalization Service, and for other law enforcement and welfare agencies. The employers in turn had problems with departure bond forfeitures and the Mexican Government had problems arising from employers' failure to fulfill their contracts.

Because of these difficulties in the operation of the 1948 and 1949 agreements, representatives of the United States and Mexico met in conference beginning January 26, 1951. I served as an adviser to the U.S. delegation at that conference. During the conference, the Mexican Government gave notice that it was terminating the 1949 agreement; and it was suggested that private recruitment be replaced by recruitment by an agency of the United States which could guarantee compliance with individual



work contracts. On February 27, 1951, I introduced S. 984, to authorize such a recruitment program by the Secretary of Labor, and subsequently that bill was approved as Public Law 78 of the 82d Congress on July 12, 1951.

The program provided by Public Law 78 was not designed as a subsidy to employers in any way. It provided that the employer would indemnify the United States against loss by reason of its guarantee of the work contracts, that the employer would reimburse the United States up to \$15 per day for the transportation and subsistence of workers, and that the employer would either return or pay the cost of returning the worker to the reception center in the United States. The \$15 limit was imposed not with the idea that the United States might have to share any of the cost, but rather to keep administrative officials from spending excessive funds in the transportation and maintenance of workers. Testimony indicated that private employers were transporting Mexican workers from recruitment points in Mexico to the border and return for about \$5 per worker. Allowing another \$5 per worker for maintenance at reception centers, the House Committee on Agriculture recommended a maximum reimbursement of \$10. In conference the sum of \$15 was agreed upon. At present the employers are required to pay all of the expenses of the program, except compliance activities. The cost was \$10.41 per worker in fiscal 1960, and is estimated at \$13.04 per worker in fiscal 1961 and \$11.84 in fiscal 1962. Employers are currently charged a fee of \$12 for the initial contract of a worker, and \$5 for recontracting a worker previously contracted for use in another State. The amounts charged employers are increased or decreased as necessary to pay the costs of the program. Amounts received from employers are deposited in the Farm Labor Supply Revolving Fund and subsequently paid out for program expenses. Expenses paid out of the revolving fund amounted to approximately \$5 million in fiscal 1959, \$4.5 million in fiscal 1960, and \$4.1 million in fiscal 1961.

Mr. President, I ask unanimous consent to insert in the RECORD at this point a tabulation of the program expenses for fiscal 1959, 1960, and 1961 which are met from employer contributions to the revolving fund.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

*Costs of Mexican farm labor program borne by employers*

	Fiscal years		
	1959	1960	1961
Transportation of workers.....	\$1,662,000	\$1,495,000	\$1,213,000
Meals.....	738,000	701,000	603,000
Medical care.....	669,000	610,000	577,000
Rent.....	155,000	186,000	161,000
Other.....	93,000	120,000	109,000
Administrative costs.....	1,674,000	1,337,000	1,404,000
Total.....	4,991,000	4,449,000	4,067,000

Mr. ELLENDER. Mr. President, Public Law 78 has done much to solve the

problems which gave rise to its enactment. Mexican workers are recruited in an orderly fashion by the Secretary of Labor in the interior of Mexico. The workers are sure of proper housing, transportation, and medical care. The performance of work contracts are guaranteed by the United States, which in turn is entitled to indemnity from the employer.

Except for compliance activities, all program costs are borne by the employers. This includes the cost of administering the program, as well as transportation of the workers from Mexico and back, rent of reception centers, medical care, and other expenses.

The act provides protection and assistance for the Mexican worker, the domestic worker, and the employer.

The Secretary of Agriculture must determine the need for the Mexican workers, and then they can be brought in only if the Secretary of Labor determines that there are not sufficient domestic workers available, that the wages and working conditions of domestic workers will not be adversely affected, and that reasonable efforts have been made to obtain domestic workers.

Public Law 78 was originally made effective for 2½ years. It has been extended on a number of occasions, and I hope that Congress shall see fit to extend it again.

The PRESIDING OFFICER (Mr. BARTLETT in the chair). The question is on agreeing to the committee amendment in the nature of a substitute. [Putting the question.]

Mr. KUCHEL. What was the statement of the Chair?

The PRESIDING OFFICER. The question is on agreeing to the committee substitute.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. If the committee substitute were adopted, would it then be open to amendment?

The PRESIDING OFFICER. The bill would then not be open to further amendment.

Mr. KEATING. Several Senators have amendments to offer. We had better protect our rights at this time.

The PRESIDING OFFICER. The question is on agreeing to the amendment in the nature of a substitute. [Putting the question.]

Mr. KEATING. I understood that the Senator from Minnesota [Mr. McCARTHY] had an amendment. If the committee amendment in the nature of a substitute is adopted, will he be foreclosed from offering his amendment?

Mr. HOLLAND. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HOLLAND. I understand that the committee amendment has been adopted, and that the Chair has so ruled.

The PRESIDING OFFICER. The Chair has not announced the vote.

Mr. HOLLAND. I ask for the regular order.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment in the nature of a substitute.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the status of the committee amendment?

The PRESIDING OFFICER. The amendment is open to amendment. If there be no amendment to be proposed, and no Senator wishes to speak, the question will be on the adoption of the committee amendment. Its adoption will foreclose any further amendment.

Mr. McCARTHY. We had an understanding with the Senator from North Carolina, who is handling the bill on the floor, that amendments might be offered. I am sure he did not intend to preclude us from offering amendments.

The PRESIDING OFFICER. The committee amendment is open to amendment.

Mr. JORDAN. The Senator from Minnesota is correct. I did not intend to preclude him from offering an amendment.

Mr. McCARTHY. I call up my amendment, which is at the desk.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 3, lines 1 through 9, it is proposed to strike out all of section 505 and insert in lieu thereof the following:

SEC. 505. (a) No worker recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to such workers wages at least equivalent to 90 per centum of the average farm wage in the State in which the area of employment is located, or 90 per centum of the national farm wage average, whichever is the lesser.

(b) The determination of the average farm wage in a State and the national farm wage average required in (a) above shall be made by the Secretary of Labor, after consultation with the Secretary of Agriculture. In making these determinations, the Secretary of Labor shall consider, among other relevant factors, the applicable average farm wage rate per hour for workers who do not receive board and room, or such other appropriate information and data as may be available.

Mr. McCARTHY. Mr. President, the amendment is quite clear. It provides that no Mexican worker recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays such worker wages at least equivalent to 90 percent of the average farm wage in the State in which the area of employment is located, or 90 percent of the national farm wage average, whichever is lesser.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. MANSFIELD. I wish to propound a unanimous-consent request. I have discussed the question with Senators who intend to offer amendments, and with the leadership on the other side, as well as with the Senator in charge of the bill, and other Senators interested in the proposal before us.



I ask unanimous consent that debate on all amendments be concluded tonight, with the understanding that on any amendment on which a yea-and-nay vote is requested, the yea-and-nay vote shall be postponed until Monday; that the time then be limited to 10 minutes on each amendment, 5 minutes to a side, before the vote is taken; and that the time shall begin to run immediately at the conclusion of morning business on Monday next.

The PRESIDING OFFICER. Is there objection?

Mr. McCARTHY. Reserving the right to object, do I correctly understand that the majority leader proposes a limitation of 10 minutes on each amendment on which a rollcall is requested this evening, 5 minutes to a side?

Mr. MANSFIELD. That is correct.

Mr. McCARTHY. Any other amendments would not be debated within the 10-minute limitation?

Mr. MANSFIELD. No; but if any other amendments were forthcoming, we would try to give them all the consideration possible, and we would hope that the Senators who offered such amendments would not ask for too much time for their consideration, due to the length of the debate before us.

Mr. HOLLAND. Mr. President, will the distinguished majority leader yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. I wonder if the distinguished majority leader would consider amending his request so as to require a yea-and-nay vote on such amendments as are important—I do not know which ones they are—so that Senators who are not interested in the minor amendments, which will not require yea-and-nay votes, can return to their offices. I understand there are two or three amendments which are of importance, and that the offerers will ask for yea-and-nay votes on them. Would the majority leader include those particular amendments in his request?

Mr. MANSFIELD. Those are the amendments I have in mind. I understood that the Senator from Minnesota [Mr. McCARTHY] intended to ask for a yea-and-nay vote. Will the Senator from New York request a yea-and-nay vote on his amendment?

Mr. KEATING. I intended to wait, to see what would happen on the yea-and-nay vote on the amendment of the distinguished Senator from Minnesota. I am inclined at present to ask for a yea-and-nay vote, if that statement is helpful to the majority leader.

Mr. MANSFIELD. It is.

Mr. HOLLAND. I wonder if the distinguished Senator from Minnesota is ready to ask for a yea-and-nay vote on his amendment. I will support his request, if he wishes a yea-and-nay vote.

The point is that unless we know that the important amendments will be submitted to yea-and-nay votes, unless we know that they will not be subject to voice votes or division votes, while many Senators are not in the Chamber, we would not be safe in leaving the Chamber.

Mr. MANSFIELD. To the best of my knowledge, after making inquiry, I find there are only two amendments to be offered. On the basis of those inquiries, it would appear that both the Senator from New York [Mr. KEATING] and the Senator from Minnesota [Mr. McCARTHY] wish to have yea-and-nay votes on their amendments. Therefore, if the unanimous-consent request is agreed to, it will mean that at the conclusion of the morning hour on Monday next the Senate will proceed, at 10-minute intervals, to vote on those two amendments.

Mr. KUCHEL. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. KUCHEL. Under those circumstances, I wonder if it would be agreeable to all Senators to ask for the yeas and nays on both amendments. If there is no objection to the unanimous-consent request, and if the amendment of the distinguished Senator from Minnesota were disposed of in such fashion as to indicate to the Senator from New York that he might not wish to have a yea-and-nay vote on his amendment, the opportunity would always be available to him to ask unanimous consent to withdraw his amendment.

Mr. JORDAN. Does the Senator mean on the amendments?

Mr. KUCHEL. Yes.

Mr. MANSFIELD. That was the procedure I had in mind proposing, if we could first have the unanimous-consent request agreed to.

Mr. KEATING. In order that the Senator from Florida [Mr. HOLLAND] and other Senators may be reassured, I announce that I will not endeavor to obtain a vote tonight, by division or otherwise. Although it does not require unanimous consent, I ask unanimous consent that at the time the yeas and nays are ordered on the McCarthy amendment, they may at the same time be ordered on my amendment, although that would not be in order until the amendment was before the Senate.

Mr. MANSFIELD. Every Senator would be protected, and nothing in the way of an unknown amendment would be offered, thereby catching off guard Senators who may leave the Chamber in the expectation that there will be no votes this evening.

Mr. HOLLAND. I am certain the distinguished Senator from Montana would make certain that such a procedure was followed. However, it is not only the Senator from Florida who is concerned. Numerous other Senators, who are not now in the Chamber, would like to be assured by the staff if an agreement is entered into that there will be no voting tonight.

Mr. President, I ask unanimous consent that there be no voting on any amendment tonight.

Mr. MANSFIELD. Mr. President, will the Senator from Florida withhold that request until action has been taken on the request I have made?

Mr. HOLLAND. I withhold my request.

Mr. JORDAN. Was the Senator's request for 10 minutes on each amendment?

Mr. MANSFIELD. Ten minutes on each amendment, 5 minutes to a side.

Mr. JORDAN. Would the Senator mind making that 20 minutes to each amendment, 10 minutes to a side?

Mr. MANSFIELD. That is agreeable.

Mr. JORDAN. I believe some of us would like to take more than 5 minutes.

Mr. McCARTHY. The point of my reservation was to ask the majority leader whether it would be possible, if there were any other business to be considered which would take a limited amount of time, that it might be taken up after the morning hour on Monday, so that the debates and the votes which may be agreed to which would take place about 12 o'clock. I think 10 or 10:30 o'clock on Monday morning might be a little too early for some Senators who will be out of the city over the weekend and will be returning to the Senate on Monday.

Mr. HOLLAND. I remind the distinguished majority leader that two treaties are on the executive calendar. Probably they will be agreed to in a perfunctory way, but necessarily by yea-and-nay votes. It may be that they will provide the answer to the Senator's suggestion.

Mr. McCARTHY. The time for consideration of the treaties may prove to be adequate for the purpose I have suggested.

Mr. MANSFIELD. Mr. President, I do not mind being elastic, but I do mind being stretched too far. The Senate has already agreed to an order to convene at 9 o'clock on Monday morning. Now we are being asked to postpone action on the amendments for 3 hours. I am willing to agree to a time limitation beginning at 10 o'clock on Monday morning, but I think that is as far as I can go. Someone must exercise responsibility. I hope the Senator from Minnesota will give me that much leeway, because another very important bill is scheduled to be taken up on Monday, and it will require much debate.

Mr. McCARTHY. I was not so much concerned with yea and nay votes, because Senators are somewhat familiar with what my amendment seeks to do. I think the Senate has become preoccupied with yea and nay votes during the past 2 or 3 months. It has been suggested that there be one every hour on the hour, no matter what is before the Senate. It is a little like professional basketball, where it is necessary to shoot every 20 seconds, or else the ball will be taken away.

Members of the Committee on Agriculture and Forestry, including the distinguished Senator from Louisiana [Mr. ELLENDER], and the distinguished Senator from North Carolina [Mr. JORDAN] know the purpose of my amendment. Many other Senators do not know about it. Many have asked, "What is the McCarthy amendment?" I believe there should be time enough to study the RECORD.

Mr. KUCHEL. Nevertheless, time for debate tonight will be available. The distinguished majority leader has suggested that the time limitation on Monday begin at 10 o'clock. That makes



sense to me. That is better than beginning at 12. It would be reasonable to assume that the 2 hours between 10 and 12 o'clock would not be crucial, so far as the vote is concerned.

I urge the distinguished Senator from Minnesota to accept what I think is a reasonable suggestion by the distinguished majority leader.

Mr. McCARTHY. I have some views about the format of the CONGRESSIONAL RECORD. I believe it contributes much toward keeping Senators well informed. The argument that Senators will not go to the RECORD does not carry a great deal of weight.

I hope, since the Senator from Florida observed that two treaties will have to be brought up on Monday—

Mr. MANSFIELD. They do not have to be brought up on Monday.

Mr. HOLLAND. The voting on the treaties will be by yea-and-nay vote.

Mr. McCARTHY. If that is the case, if the majority leader did not have in mind bringing up the treaties very soon, and if his schedule would otherwise be interfered with, I am quite willing to agree to his unanimous-consent request.

Mr. MANSFIELD. I thank the distinguished Senator from Minnesota. I suggest, then, that beginning at 11 o'clock on Monday morning there be a 20-minute limitation of debate on each of the two amendments.

Mr. McCARTHY. That is better than I had expected.

Mr. KEATING. Will the majority leader yield for a clarification of the parliamentary situation?

Mr. MANSFIELD. I yield.

Mr. KEATING. After the Senator from Minnesota offers his amendment, if it is not acted upon, I assume it will be in order for me to call up my amendment, in order that I may discuss it.

Mr. JORDAN. I think the amendments ought to be generously debated, because the Senate passed a bill when the Senator walked away a while ago.

Mr. HOLLAND. Mr. President, I wish, not simply for my own convenience, but for the convenience of many other Senators, to propound a unanimous-consent agreement that the Senate not vote tonight on any amendment to the bill.

Mr. MANSFIELD. May my proposal be agreed to first?

Mr. CLARK. Mr. President, is it the intention to bring the treaties to a vote on Monday morning, or can we rely on the understanding that the first yea-and-nay vote will come at 11 o'clock?

Mr. MANSFIELD. I wish Senators would allow me to discuss that question with the chairman of the Committee on Foreign Relations.

I will do what I can.

The PRESIDING OFFICER (Mr. BURDICK in the chair). Will the Senator from Montana inform the Chair whether the proposed unanimous-consent agreement is to be in the regular form and whether any provision is to be made for yielding time on the bill?

Mr. MANSFIELD. It will be in the regular form; and on Monday there will be 20 minutes for debate on each amendment, beginning at 11 o'clock; and the time will be under the control of the

Senator in charge of the bill [Mr. JORDAN] and the Senator from New York, on his amendment, or the Senator from Minnesota, on his amendment.

Mr. HOLLAND. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Since the Senator from Montana says the agreement will be in the regular form, let me ask whether that includes a provision to the effect that no amendment not germane to the bill may be considered?

Mr. MANSFIELD. That is correct; that is the regular form.

The PRESIDING OFFICER. Will the Senator from Montana inform the Chair whether the agreement is to provide for the allowance of any time on the bill?

Mr. MANSFIELD. No.

The PRESIDING OFFICER. Is there objection to the proposed unanimous-consent agreement? Without objection, it is so ordered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

#### UNANIMOUS-CONSENT AGREEMENT

*Ordered*, That, effective on Monday, September 11, 1961, beginning at 11 a.m., during the further consideration of the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, debate on the two amendments (designated as: the McCarthy amendment, numbered 8-25-61A, and the Keating amendment, numbered 8-29-61A) shall be limited to 20 minutes, to be equally divided and controlled by the mover of any such amendment or motion and the majority leader: *Provided*, That in the event the majority leader is in favor of any such amendment or motion, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further*, That no amendment that is not germane to the provisions of the said bill shall be received.

Mr. HOLLAND. Mr. President, if the Senator will yield, I wish to propound an inquiry, although if any Senator expects to have a vote taken tonight, I certainly will not propound this inquiry. I understand that Senators wish to have no votes taken tonight. Therefore, I ask unanimous consent that the Senate not vote tonight, either by record vote, standing vote, or voice vote, on the pending bill or any other measure which may be brought up.

Mr. MANSFIELD. I see no objection to that, because I know of no vote that will be requested tonight.

Mr. DIRKSEN. Mr. President, reserving the right to object, I must say that such a request; namely, that there be no record votes—is rather unusual. I would prefer to rely on the assurance of the majority leader, rather than to have such a precedent established, because at a future time it might present some real difficulties to the Senate. So I hope the Senator from Florida will not press for adoption of his request.

Mr. HOLLAND. I first said that I would not request it if any Member objected.

However, it has been said that there are to be only two amendments to the bill, and that no Senator wishes to have a vote taken tonight, and that the votes will be taken on Monday. So all I am

asking is that it be agreed that no votes will be taken tonight.

I hope the Senator from Illinois will withdraw his objection.

Mr. DIRKSEN. Mr. President, I could not withdraw my objection.

Mr. JORDAN. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. JORDAN. I have before me an amendment which I am prepared to accept; and I have discussed it with the chairman of the committee and with the Senator from Minnesota [Mr. McCARTHY]. It would do away with the necessity of paying double insurance on Mexican workers who are brought in, who are covered by an agreement with the Mexican Government. If there is no objection, I am prepared to accept that amendment.

Mr. DIRKSEN. Mr. President, I may have misunderstood the request of the Senator from Florida. I thought his request applied to record votes, which have already been covered. But the majority leader informs me that the Senator from Florida was referring also to voice votes, in order to make sure that no action would be taken before Monday.

Mr. HOLLAND. As I understand, the request of the Senator from Montana covered only two yea-and-nay votes.

Mr. MANSFIELD. That is correct.

Mr. HOLLAND. I was trying to provide assurance, for the benefit of Senators who are not present at this time—although so far as I am concerned, I can remain here until midnight, if that is necessary or desirable; but certainly there is no use in doing so if we know that no votes will be taken tonight. I was merely trying to clarify that question, for the RECORD.

Mr. DIRKSEN. I have no objection, if the Senator has in mind an amendment, to agree that there shall be no voice votes.

Mr. HOLLAND. I have no amendment in mind. I do not want any amendment similar to the ones we are talking about, or even more sweeping amendments, taken up and acted on, either by voice vote or any other vote, when many Senators are not present.

Mr. MANSFIELD. Mr. President, will the Senator from Florida accept the assurance of the minority leader [Mr. DIRKSEN] and myself that there will be no votes tonight, except on the amendment—to be offered by the Senator in charge of the bill [Mr. JORDAN]—which, I understand, is satisfactory to everyone.

Mr. HOLLAND. I gladly accept that assurance.

Mr. MANSFIELD. Mr. President, on the question of agreeing to the two amendments which will be voted on on Monday, I ask unanimous consent that it be in order to ask that the yeas and nays be ordered on each even though one of them is not yet before the Senate.

The PRESIDING OFFICER. Without objection it is so ordered.

The yeas and nays were then ordered on each.

Mr. JORDAN. Mr. President—

Mr. McNAMARA. Mr. President, will the Senator from North Carolina yield?



Mr. JORDAN. I yield.

Mr. McNAMARA. The Senator made an announcement about an amendment. Do I correctly understand that the amendment would require that American employers rely upon a Mexican insurance firm for protection?

Mr. JORDAN. No. But let me read the amendment. It would insert certain language on page 3 of the bill, between lines 9 and 10.

Probably it will be best if at this time I submit an explanation of the amendment.

Mr. President, I submit to House bill 2010 an amendment dealing with a special problem which has arisen in the State of California since the time when the Senate Committee on Agriculture and Forestry considered the bill.

Recently, the California Temporary Disability Insurance Act was extended to cover agricultural workers. It did not exclude Mexican nationals employed in California under Public Law 78. It is my understanding that any benefits which Mexican nationals would enjoy under the California law are already provided for under Public Law 78.

Unless the amendment is adopted, it will mean that Mexican nationals employed under Public Law 78 will be paying for benefits similar to those already provided for under Public Law 78.

As soon as this matter came to my attention I asked for a report on it from the Department of Labor, and I ask unanimous consent that a copy of that report be included in the RECORD at the conclusion of my remarks on the proposed amendment.

It is my understanding that both the Government of the Republic of Mexico and the California Department of Employment have requested that the amendment be adopted in order to avoid in order to avoid a great deal of confusion and repetition in the operation of the Mexican farm labor program in the State of California.

The amendment provides that workers recruited under Public Law 78 shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them. I want to make clear that Public Law 78 requires the employers of Mexican nationals to provide this type of benefit for all employees employed under Public Law 78.

Mr. McNAMARA. Have we assurance that employers will not be relying upon Mexican insurance firms under any circumstances?

Mr. JORDAN. The amendment does not affect American employers in any way whatever.

Mr. KUCHEL. Mr. President, will the Senator from North Carolina yield to me?

Mr. JORDAN. I yield.

Mr. KUCHEL. For the benefit of the Senator from Michigan, let me read the text of a telegram bearing on this subject, which I received on August 28 from the director of the California State Board of Employment:

SACRAMENTO, CALIF., August 28, 1961.  
Hon. THOMAS H. KUCHEL,  
U.S. Senator,  
Senate Office Building,  
Washington, D.C.:

May I urge support of amendment to Public Law 78 which would exclude Mexican nationals from California disability insurance coverage. As the administrator of this program I believe that we will experience great difficulty and near impossibility in the administration of this law.

IRVING H. PERLUSS,  
Director, California Department of  
Employment.

Under those circumstances I say to the Senator that it is exclusively designed to cure this defect.

Mr. ENGLE. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN. I yield.

Mr. ENGLE. The purpose is to keep them from being insured twice.

Mr. JORDAN. That is exactly what the amendment does; and I have discussed it with the Senator from Minnesota and with the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], and the amendment is acceptable to all Members concerned.

The PRESIDING OFFICER. Will the Senator from North Carolina send the amendment to the desk, so that it may be read?

Mr. JORDAN. Yes. Mr. President, I offer the amendment which I send to the desk; and I ask that it now be read.

The PRESIDING OFFICER. The amendment will be read.

The LEGISLATIVE CLERK. On page 3, between lines 9 and 10, it is proposed to insert the following:

SEC. 4. Section 505 of such Act, as amended, renumbered as section "507", is amended by adding at the end thereof the following: "(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them."

And to renumber the succeeding sections accordingly.

Mr. JORDAN. Mr. President, I ask unanimous consent that the pending amendment of the Senator from Minnesota [Mr. McCARTHY] be temporarily laid aside, so that the Senate may proceed to consider the amendment I have sent to the desk, which has just now been read by the clerk.

Mr. McCARTHY. Mr. President, I am glad to yield for that purpose.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The question now is on agreeing to the amendment offered by the Senator from North Carolina.

The amendment was agreed to.

Mr. LONG of Hawaii. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. LONG of Hawaii. Mr. President, the Senate now has under consideration the extension of the Mexican Farm Labor Act. It is, I believe, imperative that we take this opportunity to correct some of

the demonstrated evils of the law. It is time that we face the problem as it is, and recognize that continuation of the present system will be a continuation of the degradation of America's farm labor force.

I support the efforts of the junior Senator from Minnesota to improve the working conditions of American and Mexican farm laborers alike. I am most pleased that I am joined in this support by many of the leading citizen organizations in this country, as an example of which I cite a letter I recently received from Mr. Andrew J. Biemiller, director, Department of Legislation, American Federation of Labor and Congress of Industrial Organizations. I think Mr. Biemiller's letter is a concise and accurate statement of the situation, and I request unanimous consent that it be printed at this point in the CONGRESSIONAL RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 25, 1961.

Hon. OREN E. LONG,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR: The Mexican farm labor importation program, Public Law 78, has been extremely harmful to American farmworkers who are undoubtedly the most poverty stricken single working group in our country. Public Law 78 has been a means of depressing the wages of our farmworkers and of cutting down job opportunities.

Under Public Law 78, 315,000 Mexican farmworkers were imported into the United States in 1960. This mass importation has been a major factor in maintaining the average farm labor wage well under \$1,000 a year and in keeping the average number of days of farm labor employment around 138 days a year.

The Senate will shortly consider H.R. 2010, a bill to extend Public Law 78 for 2 years. This measure would make some minor changes in Public Law 78 but it would do nothing about the major abuses of this law. H.R. 2010, as reported, would still do serious harm to the wages and job opportunities of our citizen farmworkers.

We understand that Senator EUGENE McCARTHY will offer two amendments to H.R. 2010 to combat the harmful effects of Public Law 78. One amendment would require growers who use imported Mexican workers to pay them at least the State or national average farm labor wage, whichever is the lower. The second amendment would provide that domestic workers employed on farms using Mexican workers would get comparable benefits to those provided the Mexican workers.

We urge you to support the McCarthy amendments. They are extremely necessary. Without them, H.R. 2010 would be so detrimental to several millions of our fellow citizens that it should not pass the Senate.

Sincerely yours,

ANDREW J. BIEMILLER,  
Director, Department of Legislation,  
AFL-CIO.

Mr. McCARTHY. Mr. President, my amendment is offered as a substitute for section 505 of the committee bill. That section reads as follows:

No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays to



both domestic and foreign workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work, as determined by the Secretary of Labor, and unless the Secretary of Labor determines pursuant to section 503(2) that such prevailing wage rate is not adversely affected by the employment of Mexican workers.

The committee amendment is intended to assure, or at least the declaration is made that it will assure, that an employer who employs both Mexican and domestic labor does not pay either of them less than the prevailing wage for domestic workers similarly employed.

On the face of it, this sounds significant, but in a realistic application it becomes almost meaningless.

The amendment adds little to the existing condition, and the Department of Labor holds that, at best, it has no practical value. The prevailing wage in some areas is as low as 30 cents an hour for American domestic workers performing agricultural work. The Mexican Government will not permit its nationals to work in the United States for less than 50 cents an hour.

So in this case the wage demanded and received by the Mexican nationals who come here under contract is 50 cents an hour. The prevailing wage paid to domestic workers performing similar work is 30 cents an hour. In some cases, there are no Americans, either migrant or non-migrant performing the work, so the prevailing wage of the Mexican worker becomes the prevailing wage for that area.

The key problem is not the prevailing wage or whether the prevailing wage is being paid, but the fact that in many areas the prevailing wage for similar work is so low. In these cases the use of Mexican nationals has frozen wages of domestic workers at these low levels. The 50-cents-an-hour minimum required by agreement with Mexico, plus the fact that most of the workers are Mexican nationals, establishes in effect a ceiling on what is paid American workers in those areas.

My amendment is designed to correct in some small degree the depressing effect of the Mexican farm labor program on wages and employment opportunities of domestic workers.

My amendment would not terminate the Mexican farm labor program. It would have no effect at all in States which have been paying migrant and domestic workers wages which are reasonable, at least in a relative sense, and which are higher than the national hourly farm wage.

In California and other States where the prevailing wage is already above the national hourly farm wage it will have no bearing. The amendment simply provides that an employer must offer and pay Mexican nationals who are imported into the United States wages at least equal to 90 percent of the State or National average rate for hourly farm-work, whichever is the lesser.

In those States which have a record of relatively low wages paid to agricultural workers, my amendment would not require growers to pay 90 percent of the national average, but only 90 percent of the State average.

The table which I will include in the RECORD is clear evidence that if my amendment were now in force, the effect of the amendment would be moderate, and that it would not impose any undue hardship upon persons who employ Mexican nationals.

I would like to cite one or two examples to indicate what would happen if this amendment were in effect. In the State of Arizona, for example, where in 1960 some 14,000 Mexican nationals were employed at the peak of their employment, and overall some 19,000 were employed, the lowest wage rate which was paid to U.S. workers for work in which the Mexican nationals were also employed was 70 cents an hour. This was the lowest wage paid to them, and it was also the most common wage paid to them.

The average hourly farm wage rate without room and board paid in Arizona in 1960 was 97 cents an hour.

The effect of my amendment would be to require employers to pay Mexican nationals at least 90 percent of 97 cents an hour, which would be about 87 cents an hour, instead of the 70 cents an hour which many have been paid in recent years.

This is not an unreasonable request, and it would have, at best, only a slight effect upon improving the competitive position of the American farmworker who may be available in that area or who might otherwise make himself available.

In the State of Arkansas, which is one of the States in which the problem is very serious, the average which is paid to Mexican nationals is approximately 50 cents an hour, the minimum which is required under the law.

The effect of my amendment would be to require, taking into account 90 percent of the average rate in Arkansas of 73 cents an hour, payment to Mexican nationals of 65 cents an hour, instead of the 50 cents an hour rate now being paid to them.

In the State of Texas, which contracted in 1960 for the employment of 112,000 Mexican nationals, the lowest rate paid to Americans performing similar work was 40 cents an hour, and the most common rate paid to Americans was 50 cents an hour.

The average hourly farm wage rate without room or board in Texas was 78 cents in 1960. My amendment would have the effect of requiring the growers in Texas to pay Mexican nationals at least 70 cents an hour, or 90 percent of the prevailing rate for agricultural wages in the State of Texas.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table which gives an indication of what wage rates would actually have to be paid to Mexican workers if my amendment were adopted. This table of estimates of the minimum offer for Mexican nationals if my amendment were in effect this year is evidence, I believe, that this is a moderate proposal.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[Lowest wage for Mexican workers permitted by the amendment <sup>1</sup>]

Arizona	\$0.87
Arkansas	.65
California	.87
Colorado	.87
Georgia	.59
Illinois	.87
Indiana	.87
Iowa	.87
Kansas	.87
Kentucky	.73
Michigan	.87
Minnesota	.87
Missouri	.87
Montana	.87
Nebraska	.87
Nevada	.87
New Mexico	.76
North Dakota	.87
Oregon	.87
South Dakota	.87
Tennessee	.56
Texas	.70
Utah	.87
Washington	.87
Wisconsin	.87
Wyoming	.87
United States	.87

<sup>1</sup> 90 percent of the average farm wage in the State or 90 percent of the average farm wage in the Nation, whichever is the lesser.

Mr. McCARTHY. Mr. President, it is my opinion that this formula is clear and objective. For many years the Department of Agriculture has been maintaining a quarterly series of farm wage rates by States. The Department gathers data on several types of farm labor arrangements. It compiles data on farm labor rates per month with house, per month with board and room, per week with board and room, per week without board and room, per day with board and room, per hour with house, per hour without board and room. These rates are published in a report "Farm Labor," issued by the Statistical Reporting Service of the Department of Agriculture.

Of these categories the hourly rate without board and room is a reasonable equivalent of rates paid to seasonal agricultural workers, and where piece rates are paid, these rates are converted to the hourly equivalents. Seasonal labor is almost universally paid either piece rates or hourly rates. The weekly and monthly rates are generally paid to regular hired men engaged in nonseasonal activities.

However, since the average hour wage rate series also includes some skilled workers, I have modified my amendment to take this into account and to provide that payment of 90 percent of the average hourly farm wage rate is the minimum the growers could pay the Mexican workers.

At the same time, this provision of 90 percent takes into account the fact that the Mexican nationals who are brought into this country have been given many fringe benefits which are not available to American migrants.

I wish to note for the RECORD some of the special benefits which, under the agreement with Mexico, must be provided for Mexican nationals.

It is a fact that Mexican nationals have much more in the way of protec-



tion. They have many more fringe benefits than are granted to American migrants. We can assume that these benefits are worth approximately 10 percent of the total wage which is paid to the Mexican nationals.

Mr. ENGLE. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from California.

Mr. ENGLE. I have before me the amendment submitted by the distinguished Senator on August 25, 1961, which provides:

On page 3, lines 1 through 9, strike out all of section 505 and insert in lieu thereof the following:

I shall not quote the language, but I rise to inquire whether this is the amendment as to which the distinguished Senator is speaking at this time?

Mr. McCARTHY. The amendment to H.R. 2010?

Mr. ENGLE. Yes.

Mr. McCARTHY. That is the amendment. It is the only amendment I intend to offer to the bill.

Mr. ENGLE. I assume the amendment does not apply any standard to domestic labor which relates to the wages paid to the Mexican bracero; is that correct?

Mr. McCARTHY. The amendment applies only to Mexican nationals brought in under contract. It has no direct application to domestic migrants or to American workers. It merely requires that the Mexican nationals who are brought in—who now must be paid at least 50 cents an hour under the agreement with the Mexican Government—must be paid 90 percent of the average hourly farm wage rate in the State or the Nation, whichever is lower.

Mr. ENGLE. Will the Senator yield for a further question?

Mr. McCARTHY. I yield.

Mr. ENGLE. Why does the Senator think the language he proposes is preferable to the language in section 505 of the bill as amended and reported by the Committee on Agriculture and Forestry?

Mr. McCARTHY. Section 505 of the bill as reported by the committee provides that such laborers must be paid the same wage rates as are paid for similar work, which means, in effect, that there is really no standard. In many areas the standard is established by the Mexicans employed, since few, if any, American workers are employed in many types of work.

I cited figures earlier to show that in some States Americans working in the same area were paid only 30 cents an hour. In such a case, Mexican nationals, under existing agreements and arrangements, are paid 20 cents an hour more than Americans are paid.

If the committee amendment is agreed to, without a 50-cent minimum—which is now a matter of agreement between our country and Mexico—it would be necessary in these areas to pay only 30 cents an hour to Mexican nationals. The committee amendment deals with "prevailing wage" in the area. My amendment takes as a standard 90 percent of the State or Na-

tional hourly farm wage, whichever is the lesser.

Mr. ENGLE. But not necessarily for workers engaged in similar work.

Mr. McCARTHY. The standard takes into account all hourly agricultural employment.

Mr. ENGLE. What the Senator is providing in the amendment he has offered is that there must be paid 90 percent of the national farm wage average, or 90 percent of the average for the area in which the person is employed, whichever is lower?

Mr. McCARTHY. In the Nation or in the State.

Mr. ENGLE. In the State. That is different from the amount prescribed in section 505, inasmuch as in section 505 it is stated that there must be paid not less than the prevailing wage in the area to domestic workers engaged in similar work.

Mr. McCARTHY. The Senator is correct.

Mr. ENGLE. The Senator believes that the language he has proposed in the amendment is better than the language which is in the bill at the present time, because "similar work" is frequently not very precisely defined and actually the State average for farmwork might be higher; is that correct?

Mr. McCARTHY. In every case, I think, the general State average rate for hourly farmwork is higher than that which is paid for Americans engaged in work similar to that which the Mexican migrants normally perform.

Sometimes Americans who are employed in the same field of work are paid less than Mexicans are paid.

Mr. ENGLE. If Mexicans are getting paid more than the domestic workers are paid, why is there a need for the amendment?

Mr. McCARTHY. The amendment is needed for two reasons.

If Mexican workers are being exploited, that in itself is a sufficient cause to try to bring about some improvement in the situation.

The second point is that Mexican workers in some cases can be brought in under economically advantageous circumstances.

I shall state the situation for the Senator. There are about 500,000 migrant American workers in this country who to some degree compete with Mexican nationals. This is especially true in Texas. Some 300,000 Mexican workers were brought in last year and about 122,000 of those were employed in Texas.

Perhaps not most of them, but a large percentage of what we call domestic American migrants are displaced Texans. One can imagine a displaced Texan.

Mr. ENGLE. California is full of them.

Mr. McCARTHY. California is full of displaced Texans. What is set up is a kind of chain reaction. When a Mexican laborer is brought into this country, he may displace a Texan, and he in turn goes on up through the various routes that migratory workers follow.

Mr. ENGLE. In California our farmers pay the Mexican bracero more, and it

costs the California farmer more for the Mexican bracero than it costs him for the domestic laborer. What the Senator is proposing in his amendment—and this is what puzzles me—is the payment to the bracero of 90 percent of the State average for State farm labor.

It seems to me as though the Senator from Minnesota is backing downhill.

Mr. McCARTHY. If there are people who are backing down, the Californians should back down and pay what is paid in Texas. However, because of a combination of forces, they are not able to back down.

Mr. ENGLE. I suppose that if I am for the braceros I should be opposed to the amendment of the Senator from Minnesota. If I am for the farmer, I should vote for the amendment. Is that correct?

Mr. McCARTHY. I do not think that is right. I think the Senator must take a stand so far as either the braceros or the growers in California are concerned.

I am sure that the Senator's humanitarian concern reaches beyond the borders of California. If the Senator is concerned about the braceros and also the domestic agricultural workers in the State of Texas, in the State of Arkansas, and in two or three other States adjoining California, he probably should support my amendment.

If the Senator wishes me to appeal to him on a selfish basis, I suppose I should say that he should be for the amendment, so as to force up wages paid to workers in Texas, some of whom are used to produce crops which compete with the crops produced in California, where relatively decent wages are paid—that is, relative to what is paid in this particular area of Texas. Producers in California may compete to some degree with the crops produced in Arkansas. Some cotton is produced in California, is it not?

Mr. ENGLE. A very good quality.

Mr. McCARTHY. I could argue in terms of the Senator representing his State and, in doing so, eliminating unfair competition. On that basis the Senator from California should support my amendment.

I have stated two arguments, one of which is a selfish argument and the other an unselfish argument; one argument is humanitarian, the other more selfish.

Mr. ENGLE. Do I come out with an answer?

Mr. McCARTHY. Yes; the Senator from California can come out in favor of the amendment.

Mr. ENGLE. I thank the Senator. He has made a persuasive presentation.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. COOPER. I shall not argue the humanitarian objectives of the bill, but I should like to ask a question. Am I correct in my understanding that at the present time farm laborers are exempted from the application of the Wage and Hour Act?

Mr. McCARTHY. Domestic farm labor is exempt. Mexican nationals brought in under Public Law 78 are pro-



tected by a 50-cents-an-hour minimum wage under the agreement with Mexico.

Mr. COOPER. But under the Minimum Wage Act, all foreign labor is exempt. Agricultural workers are exempt.

Mr. McCARTHY. The Senator is correct.

Mr. COOPER. The amendment of the Senator from Minnesota would enable the Secretary of Labor to fix wages.

Mr. McCARTHY. It would enable him to fix the floor of wages for Mexicans, but no one else. It would not apply to Americans.

Mr. COOPER. The amendment would enable the Secretary of Labor to fix wages for agricultural workers employed in the United States.

Mr. McCARTHY. Yes, but not for Americans. We would not give him that privilege. In the long run it may be determined that standards that are good for Mexicans may be considered to be good standards for Americans also, but we have not yet reached that point.

Mr. COOPER. The Secretary of Labor does not have such power at present.

Mr. McCARTHY. The minimum wage rate for Mexicans is now established at 50 cents an hour. The Secretary cannot change the rate of 50 cents an hour. He cannot reduce it.

Mr. COOPER. My friend is saying that the Secretary of Labor has no authority today to fix wages for agricultural workers.

Mr. McCARTHY. The Senator is correct. He has the authority to decide whether or not farmers are paying prevailing wages, and whether, on that basis, such farmers may hire Mexicans. He cannot lower the 50-cent wage rate paid to Mexican nationals.

Mr. COOPER. I do not deny the humanitarian objectives of the Senator from Minnesota in supporting his amendment, but I oppose the amendment and all such provisions because I oppose the power of the Secretary of Labor to enter into the field of fixing wages for agricultural workers. If the wages of agricultural workers are to be fixed, I suggest that the question be decided by the Committee on Labor and Public Welfare, and let the wages be brought under the Minimum Wage Act.

Mr. ENGLE. Mr. President, will the Senator yield for a question?

Mr. McCARTHY. I yield.

Mr. ENGLE. Is it not a fact that when the State Department has an opportunity to negotiate agreements such as are now negotiated, in which wages are fixed, in effect we have given him, rather than the Secretary of Labor, the power to fix wages? Are not labor standards fixed through negotiations by the Secretary of State rather than the Secretary of Labor?

If we are entering into a program on the basis that we believe minimum wages should be established for agricultural labor—and the bracero program does so—Senators should oppose the amendment. The Senate ought to vote against the whole program now and forever. Any time the Secretary of State can negotiate a wage agreement, he fixes the wage. Any time a bracero is paid a particular wage, as he is in the

State of California, that fact has a tendency to fix agricultural wages. There is no question about it.

The argument is made that domestics may not be paid less than Mexicans are paid.

In California we do not do so. It is the fringe benefits—the cost of the transportation, the bonding, and all the other costs that are incident to the Mexican program that make it more expensive for farmers.

Relative to what my good friend from Kentucky has said, I think I would prefer to have the Secretary of Labor, rather than the Secretary of State, fix the wage rates for braceros if anyone were to fix the rate. But I wish to make clear that I do not believe wages should be fixed in this country by any executive officer.

Mr. McCARTHY. What I am about to say does not apply to what the Senator from Kentucky has said, but it has been somewhat difficult for me to understand Senators who support this project, which I believe involves—I shall not say exploitation—but at least the employment of imported workers at wages which are lower than the average wages paid to American workers. When we move from the field of agriculture to the field of industry and talk about tariffs, quotas, and keeping out unfair competition, one argument among many is always raised that foreign producers do not pay their workers enough.

What is the difference in principle between bringing in finished goods which have been produced through labor which has not been properly paid and bringing in workers, paying them improperly, and then throwing the same product into competition with other products produced for which adequate wages have been paid?

I fail to see the distinction. I am against unfair competition from goods which are produced abroad by labor which is inadequately paid, and I am opposed to bringing in farmworkers who are paid depressed wages—wages below the average which is paid in this country—employing them in competition in this case with approximately 500,000 domestic migratory workers.

In the hearings cases involving cucumber producers were cited. Pickle manufacturers came in with tears in their eyes and explained to us how they had tried to bring unemployed workers from Detroit into the cucumber-producing area. The explanation was that a producer brought a man up into the cucumber-producing country. He worked for 10 hours. When he had finished, he had earned very little. He quit and returned to Detroit.

It was said, "This proves he did not want to work."

It proved he did not want to work for comparatively low wages, but that is different from proving that he would not work if he were paid an adequate wage.

This witness was an expert. I did not know that anyone in America knew as much about cucumbers and pickles as did that man.

Mr. HART. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. HART. In fairness, the witness was a Michigan cucumber raiser, and in America no one else knows as much about the cucumber as does a Michigan producer—and properly so. We produce the best.

Mr. McCARTHY. How many varieties are there? Fifty-six? I thought there were some varieties that were not represented at the hearings.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JORDAN. I heard the testimony of the cucumber growers from the State of Michigan. As the testimony in the hearings will indicate, the farmer who hired braceros to pick cucumbers furnished the land, planted the crop, furnished the fertilizer, then gave the braceros or the domestic workers one-half of the price he received for the cucumbers for picking them. That is a pretty fair price. The testimony was that they made considerably more than a dollar an hour. When a man gives anyone half of the price of the crop to pick it, the worker is doing pretty well, I think.

Mr. McCARTHY. It depends on what the crop amounts to. Fifty percent of nothing is not very much.

Mr. JORDAN. Producers do not plant pickles for fun.

Mr. McCARTHY. No; they do not plant pickles for fun, but they seem to think that picking cucumbers is great exercise. I should say that this man, after all, did not know everything about cucumbers. I was somewhat reassured when he could not tell me what the per capita consumption of cucumbers was. He said he did not know. He did tell us about what sensitive work it is to pick cucumbers. He told us about how delicate the vines are, and how it is necessary to pick up the vine very gently and to pick off the small cucumbers without bruising them; then let the vine down; then come back the next day and pick up the vine gently again to see whether any little cucumbers may have grown a little bigger.

At one point I suggested to him that perhaps the only people who could be trusted to do this kind of work, would be the celloist or the first violin of the Detroit Symphony, because it was necessary to have such a fine touch, such a sensitive hand, to be successful at this business of picking cucumbers. After he told me all about the work involved in picking cucumbers I was inclined to think that this was the kind of work that ought to bring a man \$4 or \$5 an hour, because it is really specialized work, and requires the hand of a truly rare genius to handle cucumber vines properly to—I was about to say to pick a pickle—to pick a cucumber.

Low or inadequate wages are not justified in order to provide the American people with a supply of pickles. This involves a crop that is not really a necessity, it is also true to a certain extent of other crops.

Mr. JORDAN. When the Senator gets away from cucumbers, I hope he will not forget that in California, Oregon, Wash-



ington, and other States other crops are grown in connection with which Mexican workers are also employed. The bill does not deal exclusively with cucumbers. Other producers are also involved.

Mr. McCARTHY. The Senator is quite correct. But in many cases they are used in the production of crops which are really not necessities. Perhaps I have used an extreme example in order to make my case. I should like to follow through a little further on the nature of the competition.

It has been said that the effect of this amendment is to set a minimum wage for agricultural workers, something the Congress has never legislated. This, I believe, is a misunderstanding of the language of the amendment. The amendment simply states what must be paid to Mexican workers before they can be contracted for work in this country. I believe that Senators who come from industrial States, who have constituents who work in factories, in steel mills, in textiles, would be concerned if several hundred thousand foreign workers were brought in to work in these industries. If there were a shortage of labor they would undoubtedly favor such a program. But I believe they would also be most careful to make certain that such workers were not brought in to work for 50 cents or 75 cents or even a dollar an hour.

This is not a minimum wage. It is rather a standard to indicate to the Department and to the growers the minimum which must be paid to citizens of another nation before they are added to our domestic labor force. This is a perfectly reasonable condition.

A minimum wage lays down a uniform level of hourly rates. It applies to all the employers in the same category. It guarantees the uniform rate to all the workers in that category.

My amendment does none of these things. It does not lay down a uniform rate, but one which can vary from State to State and year to year, depending upon economic conditions and trends in the particular State.

It does not apply to all employers of farm labor. In fact, it does not apply to any of them. Rather, it is simply the condition for the use of the offices of the U.S. Government to secure workers from another country. No farm operator who does not use Mexican nationals is required to pay any wage as a result of this amendment—and thus at the start over 98 percent of the American farms are excluded from direct effect by the amendment.

It does not apply to all migratory workers or to all farmworkers. It does not apply to any domestic worker who is employed by a grower who uses only domestic labor.

Of course, the amendment is intended to have some indirect effect on the farm labor market. If it were without indirect effect, there would be little purpose in it. It is intended to set a sufficiently high standard so that growers will be motivated to attempt some recruitment of domestic workers. It will have the effect of encouraging growers to offer more attractive conditions to domestic

workers, unless, of course, there is no shortage, and in that case, growers may continue to secure domestic workers for 30, 40, and 50 cents per hour without any effect whatsoever from this amendment.

Mr. President, it should be clear that this is a moderate amendment. Where there is a shortage, growers will be able to secure Mexican nationals as before. In fact, it will clarify the program and remove the source of disagreement and litigation which has clouded the operation of this program and which has aroused a great number of religious and civic groups to oppose it.

Mr. President, I believe that few would deny that the unhappy conditions of work and living of migratory workers make a special claim on our conscience. This amendment will not solve all their problems or perhaps even their most serious ones, but it is a modest step in the proper direction.

I think this is a reasonable and fair proposal. I hope this minimum improvement in the farm labor program will be adopted by the Senate.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. WILLIAMS of New Jersey. Mr. President, I wish to express my strongest support of the amendment to H.R. 2010, proposed by the most able junior Senator from Minnesota. The Senator's amendment is a wisely conceived, equitable means of enabling farm employers to continue using Mexican citizens as farmworkers, while simultaneously preventing the use of such workers from lowering the wages and damaging the job opportunities of our own farmworkers.

I should like to emphasize that the amendment does not curtail the use of Mexican workers where there is a bona fide farm shortage. It merely draws a line—a most reasonable line, in my judgment—beyond which the use of Mexican workers will not be allowed to do damage to the American economy.

In our consideration of this matter, there is no need for an extensive elaboration of the workings of a free competitive labor market. We all know that a labor shortage causes an upward wage adjustment in a free labor market. Unfortunately, the operation of this basic economic principle has been stultified by the importation of large numbers of Mexican workers for U.S. farmwork. This has come about because Public Law 78 does not contain sufficient safeguards to prevent the use of Mexican workers from adversely affecting the wages and job opportunities of American workers.

Senator McCARTHY's amendment offers a constructive means of correcting the wage part of this problem. The amendment would affect only those areas where the use of braceros has caused wages of American workers to stagnate or decline. Its practical effect would be that, in these areas, before braceros could be made available, there must be a showing that employers have offered to them a wage rate equal to 90 percent

of the State or National farm wage rate, whichever is lower.

This is a most reasonable proposal, Mr. President, for it is designed to restore free enterprise principles to our farm labor market without imposing an undue burden on employers of bracero workers. Affected employers are not even required to offer wages equal to those offered by other farmers in their same State. It does not require them to offer wages equal to those offered by other farmers throughout the Nation. It only requires them to pay 90 percent of the average farm wage rate of their State or 90 percent of the national average—whichever is lower.

The amendment would not have any affect at all on the approximately 3.7 million American farmers who would not use Mexican workers. It would affect only those less than 50,000 farms that do request Mexican workers.

Even for these 50,000 employers the proposed amendment would not make mandatory the payment of any specific wage. Employers always have the alternative of doing without Mexican labor; large farm employers who follow this course are to be found in even the areas in which Mexican workers are most highly predominant.

No one will deny, I am sure, the necessity of preventing foreign workers from undercutting wages of American citizens. Let's look then at the evidence on this question: it shows that the wages of American workers are in fact being undercut by Public Law 78.

U.S. Department of Labor wage rate data for 1960 clearly demonstrate that damage has occurred to wages of American farmworkers. These data, covering the same State and the same work performed by Mexican nationals, show that the most common hourly wage rate paid American workers was about an average of 21 cents lower than the average hourly farm wage rate for the whole State. Piece rates in these States were also generally lower.

The national wage-rate decline of 10 percent in cotton harvesting since 1952 is even more significant—for more braceros are used during cotton harvesting season than in any other crop. At the height of the season in October of 1960, for example, more than 40 percent of all Mexican nationals employed in the United States were employed in this crop.

Viewed in its local context the low wages of American workers in heavy bracero-using areas becomes even more apparent. Surveys in some of these areas in Arkansas in 1960 and 1961 disclosed that American farmworkers were being paid rates between 30 and 40 cents an hour. These rates compare with that State's own average hourly rate of 73 cents for farmwork in 1960.

This comparison, it should be emphasized, is not between a low State average and a high national average. The comparison is between a low rate paid an American worker in a particular county in Arkansas with the average rate for all farm workers in that State.

A comparable situation exists in the Rio Grande Valley of Texas. Wages of



40, 45 and 50 cents an hour for American farm workers were found to prevail extensively while the State average hourly farm rate stood at 78 cents an hour last year.

The decline in wage rates of the American migratory farm worker provides another valuable yardstick in measuring the harmful effect of Public Law 78. U.S. Census Bureau and Department of Agriculture data, during the period generally parallel to the bracero program, 1952-59, show a marked decline in the daily earning of our migratory workers. These daily earning figures, which include both hourly and piece rates, show a decline from \$6.90 a day in 1952 to \$6 in 1959. The full data for this period are:

Year:	Daily earning figures
1952-----	\$6.90
1954-----	6.40
1956-----	8.05
1957-----	6.45
1959-----	6.00

Coupled with Public Law 78's adverse effect on wages is the serious unemployment and underemployment problem in this country today, particularly in rural areas.

The extent of unemployment is considerably greater among farmworkers than among other workers in the labor force. During 1960, the average annual rate of unemployment for farmworkers was 8 percent. This compares with an average of 5.6 percent for nonagricultural workers. During the first quarter of 1960, when seasonal farmwork was at its low point, the rate of unemployment among farmworkers was 14.1 percent. Even in the third quarter of the year, when farm employment was at its peak, the unemployment rate for farmworkers was higher than the rate for other workers.

Underemployment, like unemployment, also affects farmworkers more seriously than it does nonfarmworkers. In 1960, for example, the monthly average of unemployed farmworkers stood at 11.5 percent. The comparable figure for nonfarmworkers was a low of 4.6 percent.

In view of these high rates of rural unemployment and underemployment, it seems clear that many jobs now filled by braceros could be performed by domestic farmworkers. In fact, studies indicate that some of this unemployment and underemployment is directly related to the bracero program. A 1959 USDA survey of southern Texas migrant farmworkers revealed that these migrants worked an average of 131 days during 1956 and were unemployed for 70 days. Male heads of households worked an average of 174 days and were unemployed for 89 days.

I would add here that there is good reason to believe that many of these Texas workers join the migrant stream northward, because of the importation of Mexican workers into areas that would normally be their year round homes. When this occurs, there is real damage to their wages and job opportunities; they have no choice but to move away from their home area to search for work.

It has been said by some apponents of reform of Public Law 78, that domestic workers will not accept the Bracero type jobs no matter what is done to improve their working conditions. The point seems to be that American farm workers will not perform stoop labor. This is contrary to the facts. More foreign workers are used in the cotton harvest, involving primarily stoop labor, than in any other crop in this country. Yet about four-fifths of the entire peak seasonal labor force in this activity is comprised of domestic workers.

Domestic workers account for approximately 64 percent—64,200—of all the workers employed at the peak of the tomato harvest, the second largest crop in which foreign workers are used. Even in Texas, California, Arkansas, and Arizona, domestic workers constitute the majority of the peak farm labor force—during the same time, in the same States, in the same areas and in the same work, as braceros.

We know also that innumerable American workers are employed in a variety of difficult and unpleasant jobs, such as the stoop farm labor already mentioned; mining, a most hazardous occupation; operation of garbage trucks, sewer maintenance, cesspool workers, and many others.

Where reasonable wages and working conditions prevail, domestic workers are often available in sufficient numbers for stoop labor, as well as other activities. For example, the States of Idaho, Ohio, Oklahoma, Oregon, and Washington hire virtually no foreign workers. But all of these States have substantial stoop labor requirements and pay the national average wage rate of 97 cents or above.

Ohio had a peak employment figure of 28,320 domestic workers in August 1960, of which more than 12,000 were employed in harvest activities involving stoop labor. Ohio paid an average farm wage rate of \$1.08 last year.

Oklahoma paid an average of 97 cents an hour, and had almost 29,000 domestic workers involved in stoop labor harvest activities, with a peak of 34,875 in farm work for the State in October 1960.

Direct evidence on this point was reported by the Sunday New York Times of July 16, 1961. The Times article noted that Robert E. Brewington, an Arkansas cottongrower in a heavy bracero-using area, stopped using Mexicans 2 years ago. Mr. Brewington said that with adequate supervision domestic crews performed well and that "I can always get enough day-haul labor any time I need it."

We must use our domestic rural manpower; we must offer employment opportunities to these people. We cannot hope to do so by allowing the situation under Public Law 78 as it exists now to continue. We should accept this amendment, or we should not extend the Mexican labor program.

Many knowledgeable people concerned with this problem have strongly urged reform in this area; some have, in fact, urged repeal of Public Law 78. The Department of Labor, the administrators of Public Law 78, believe reform of the program is essential, and the present ad-

ministration is backing them fully in this position.

Is it not true that the administration has indicated, through the Secretary of Labor, that the Senator has support from that source for his amendment?

Mr. McCARTHY. That is true. The administration has indicated support for my amendment. It recommended a somewhat broader amendment than the one I am proposing. My amendment is somewhat reduced, really, in its effect and in its extent as compared with what the administration originally proposed.

Mr. WILLIAMS of New Jersey. While it is true that the amendment has application primarily to the braceros coming into the country, would it effect an improvement in the wage situation for our domestic migratory workers?

Mr. McCARTHY. I would hope that it might have at least an indirect effect in that direction. If the lowest wage paid to a Mexican migratory worker were raised from 50 or 60 cents to 75 cents, it might move the employer to search a little harder for an American farmworker who might be available at a little higher wage.

Mr. WILLIAMS of New Jersey. I believe I heard the Senator say that where Mexicans were used, their wage frequently became the ceiling for all wages in the area.

Mr. McCARTHY. Yes, for similar work in the area.

Mr. WILLIAMS of New Jersey. I thank the Senator.

Mr. CASE of New Jersey. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. CASE of New Jersey. Mr. President, H.R. 2010 is clearly inadequate as a solution to the problem of preventing the competition of Mexican bracero labor from disastrously undercutting wage standards and employment conditions of seasonal farm labor in the United States.

When Public Law 78 was enacted in 1951 for the regulation of Mexican farm labor in this country, it was designed to provide a means of replacing the large numbers of domestic farm workers who were drafted during the Korean conflict. The law provided for minimal wage and housing standards for bracero labor, and at the same time created U.S. Government machinery for the transportation and placement of this labor. The measure was not intended to create a permanent pool of inexpensive Mexican labor to the detriment of American workers, but was rather a temporary measure to fill the gap caused by the increased draft.

The Korean conflict is long since over, the domestic farm labor force has regained its former proportions, the farm labor shortage is all but non-existent, the Nation is in a period of unusually high unemployment, yet Mexican labor is still widely used at wage levels which are economically impossible for most American workers. Because of the low level of the Mexican economy in relation to that of the United States, Mexican farm labor accepts wages which are substandard for American workers. In fairness to both Mexican and American farm labor, the law must be changed.



H.R. 2010, I repeat, is inadequate to the problem. The amendment to that bill which Senator McCARTHY has proposed would go a considerable way toward alleviating the situation. His amendment was originally included in S. 1945, which I sponsored with him. If incorporated in the bill now before the Senate, the proposed amendment would accomplish two highly worthwhile objectives: First, it would require that bracero labor receive payment at a rate approximately equivalent to prevailing domestic wages, and second, it would thus enable domestic American farm labor to compete on more even terms with Mexican migratory labor.

With unemployment at an unconscionably high level nationally, and American domestic farm labor afflicted with chronic unemployment and underemployment, I believe we have no alternative but to adopt this amendment.

Of course the McCarthy amendment, important as it is, deals with but one facet of the complex problem of migrant labor in this country. Recently the Senate approved legislation providing for improved health services and educational opportunities for migrant workers and their families and for the registration of employers of migrant workers. There is much more to be done, and no single measure will solve the entire problem. But the McCarthy amendment would be a real forward step. I urge its adoption by the Senate.

Mr. HART. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. HART. As was the case in the discussions in the Committee on Agriculture and Forestry, I am delighted to support the position and the amendment proposed by the Senator from Minnesota.

This I do not do lightly, because, as has already been indicated, it is my privilege to represent, in part, a State which is a very large user of migrant and foreign labor. Certainly it is a source of labor supply which is essential to the Michigan farm economy.

Last year, at the peak, more than 11,000 Mexican nationals were employed on Michigan farms. At the same time, more than 66,000 domestic seasonal workers were employed on Michigan farms. These included many migratory workers from as far distant as Texas.

My study of the labor situation in Michigan agriculture and the sum total of the advice which I have been able to obtain from informed experts within the State persuade me that the Mexican labor program should be continued, and I support its continuance. However, I am gratified that the administration and the Secretary of Labor support the continuation of this program at this time.

Nevertheless, as I did in committee, and do now, I strongly support the attempt of the distinguished Senator from Minnesota and other Senators to obtain significant amendments to the bill reported by the Committee on Agriculture and Forestry. I note for the RECORD two reasons for so doing.

First, I support the amendment to establish wage standards for Mexican la-

bor because it is right that such standards be incorporated in the law. I am aware of the fact, as are other Senators, that a decrease in the supply of labor, other things being equal, would create a rise in the wage level. We are also aware that an increase in the supply of labor, other things being equal, would result in downward pressure on wage rates. It is clear to me that the Mexican labor supply made available by Public Law 78 constitutes the type of increase in labor supply which exerts a downward pressure on wage rates. Thus I understand and agree with the administration's contention that the Mexican labor program has in fact produced an adverse effect upon the wages of U.S. farmworkers; and I believe it only proper that the continuation of this law be premised upon wage standards which will substantially prevent the depressing effect that has occurred in the past.

Certainly I see nothing unreasonable in requiring that the farmer who desires Mexican labor should pay them average wages. The average hourly wage in Michigan as published by the U.S. Department of Agriculture was \$1.07 in 1960. However, the national average in this same year was only 97 cents, and 90 percent of that level—which is the target established by the McCarthy amendment—would amount to only 87 cents. This would be the lowest wage which Michigan farmers could pay Mexican nationals if the McCarthy amendment is accepted. I believe that this is a moderate—perhaps even excessively moderate—wage standard for such a foreign worker program, and I believe that Michigan agriculture and the representatives of the agriculture of most other States in the Nation will agree.

As I have said, I support this principle because I believe it is justified and morally right. I wish to make clear, however, that I also support the amendment because I believe that its passage is essential to preserving the Mexican labor program. It has now been well documented that the availability of Mexican labor has been very harmful to U.S. workers, in some parts of the country through the 10 years in which this program has been in existence. It has been documented that in many areas the wages offered to our own farmworkers have been frozen at ridiculously low levels, 35 to 50 cents per hour, through operation of the Mexican labor program.

This is but one of numerous evidences that the Mexican labor program is verging on a scandal in some parts of the country. This is becoming widely recognized among the influential, opinion-setting groups of the population. I am convinced that any failure to correct these evil results which flow from the Mexican labor program will lead to the complete elimination of this program. This I would think unfortunate and I suggest to the Senate that the substantial reform which would make the extension of this program tolerable to its responsible and respected critics is the way to preserve the Mexican labor program.

This has been recognized also by the administration in its recommendation that the program be extended if, and

only if, it can be corrected to avoid the serious defects found in it.

The agricultural industry, it seems to me, has a special interest in bringing itself into conformity with labor standards that are found acceptable by other elements in our society. Agriculture, with its special economic problems, has been particularly dependent upon the assistance of other elements of the population in working out the legislative remedies for overproduction and price problems. The elected representatives of all elements of the population have been aware of agriculture's needs and have reacted affirmatively to those needs through support of a great body of legislation. However, the fact that the elected representatives of urban and industrial areas have in fact taken this view consistently through the last 25-30 years does not mean that this cooperation is automatically assured. The representatives of urban and industrial constituencies are particularly aware of the need to protect and preserve and develop proper labor standards, and to wipe out exploitation of working men whatever their national origin. I believe that leadership of the farm community is coming to realize that it cannot on the one hand close its eyes to the pressing need for improved labor standards in agriculture while on the other hand continuing to receive the unstinting support of the representatives of nonagricultural interests.

In summary, I call for support of the amendment of the Senator from Minnesota in the interest of common decency, in the interest of cutting out the cancer that can and will destroy the Mexican labor program if we permit its continuance, and in the interest of preserving wide support including the support of urban representatives in the continuation of enlightened farm support programs.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a summary of Mexican labor as it affects Michigan agriculture, prepared by the Department of Labor.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

#### MICHIGAN

##### MEXICAN-WORKER EMPLOYMENT

At the peak of 1960 there were 11,151 Mexican nationals employed in Michigan. They were used in all but two of the nine agricultural reporting areas of the State, with the largest concentration in the four central areas.

At the peak of Mexican employment (August 15), 66,546 domestic seasonal workers were employed in all agricultural activities in the State, and 17,426 were employed in the same areas and activities as Mexicans. These included many migratory workers from Texas.

##### ACTIVITIES AND EMPLOYERS OF MEXICAN NATIONALS

Most of the Mexicans were used in the cucumber harvest, while smaller numbers were employed in a variety of activities including the harvest of tree fruit, miscellaneous vegetables, and the cultivation of sugarbeets.

Mexican workers were employed on 3,921 individual farms in 1959, 3.5 percent of the



111,817 farms in the State according to 1959 Census of Agriculture.

#### WAGE DATA

Approximately 80 percent of the Mexican nationals work in the cucumber harvest where their pay is based on a special piece-rate formula. A Department of Labor survey of Mexican earnings in 1960 found the average hourly equivalent of these piece rates to be 87 cents per hour. In other crop activities where small numbers of Mexican workers were employed in 1960, the most common hourly wage rates paid were 85 cents and \$1.

The U.S. Department of Agriculture average hourly farm wage without room or board in 1960 was \$1.07 in Michigan, and 97 cents nationally.

#### EFFECT ON PROPOSED LEGISLATION

In picking cucumbers, where most of the Mexican nationals are used, the principal effect of the proposed legislation on piece-rates paid would be an adjustment yielding an increase in earnings of 10 cents per hour the first year, and none in the year following.

In other crop activities, employers paying \$1 per hour would not be required to increase the hourly rate since it exceeds the national average hourly wage. Growers paying 85 cents per hour would be required to increase the hourly wage 10 cents per hour the first year and 2 cents the year following.

#### EFFECT ON FARMERS GENERALLY

As commercial producers of vegetable and fruit crops, many Michigan growers are affected indirectly by the conditions under which braceros are used in other States. These Mexican workers comprise about 25 percent of the Nation's peak hired work force in vegetable harvesting, and around 10 percent in fruit production. The additional production and marketings made possible by these additional workers undoubtedly exerts downward pressure on the prices received by other fruit and vegetable producers.

Mr. HART. Mr. President, I also ask unanimous consent to have printed at this point in the RECORD a list of individuals and organizations which have expressed in letter form, to me, their support of the amendment offered by the Senator from Minnesota, which is now pending.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

Department of Christian Social Relations,  
Maryland Council of Churches.  
Young Christian Workers Movement of the  
United States.  
Department of Rural Education, National  
Education Association.  
United Papermakers and Paperworkers,  
AFL-CIO.  
American Veterans Committee.  
League of Catholic Women, Gratiot  
County, Mich.  
Michigan Migrant Ministry, Division of  
Home Missions, National Council of the  
Churches of Christ.  
Young Women's Christian Association of  
San Antonio, Tex.  
National Board of the Young Women's  
Christian Association.  
Amalgamated Meat Cutters and Butcher  
Workmen, AFL-CIO.  
National Consumers League.  
National Farmers Union.  
National Sharecroppers Fund, Inc.  
Bishops' Committee for Migrant Workers.  
Workers Defense League.  
Michigan Farmers Union.  
American GI Forum of New Mexico.  
Woman's Division of Christian Service,  
Board of Missions, the Methodist Church.

Commission on Christian Social Action,  
Evangelical United Brethren Church.

League of Catholic Women, Saginaw  
County, Mich.

United Church Woman of Michigan.  
Bishops' Committee for the Spanish Speak-  
ing.

Spanish Catholic Action, Archdiocese of  
New York.

Council of Catholic Women, Saginaw  
Diocese, Michigan.

American GI Forum of the United States.

Mr. KUCHEL. Mr. President, will the  
Senator yield for a question at this  
point?

Mr. McCARTHY. I wish to make an  
observation before yielding to the Sena-  
tor from California.

I may say to the Senator from Michi-  
gan that I did not intend to single out  
Michigan for any special attention. It  
so happens that the witnesses were from  
Michigan; and on the record, Michigan  
employers have done relatively well in  
this field. They have been paying Mexi-  
can nationals about 87 cents an hour,  
which is what they would be required to  
pay them if my amendment were  
adopted.

I now yield to the Senator from Cali-  
fornia.

Mr. KUCHEL. Is it not true that under  
the law the State government must  
first determine that there is insufficient  
domestic labor available to harvest the  
crops before any Mexican nationals may  
be made available for temporary assist-  
ance to the farmers of such a State?

Mr. McCARTHY. So far as I know,  
the determination is made by the Sec-  
retary of Labor, not by the State.

Mr. JORDAN. That is correct.

Mr. KUCHEL. Does not the Secre-  
tary of Labor consult with the State  
government before making such a deter-  
mination?

Mr. McCARTHY. I do not know that  
he is required to do so. I assume he  
probably does, because one of the deter-  
minations which must be made is the ex-  
istence of a shortage of domestic labor  
which can perform this work and which  
is willing, able, and available. So I  
assume he would have to consult with  
State employment officials.

Mr. KUCHEL. Is it not a fact that  
that is precisely what the Secretaries  
of Labor under Democratic administra-  
tions and under Republican administra-  
tions have done?

Mr. McCARTHY. I assume they have.

Mr. HART. Mr. President, will the  
Senator from Minnesota yield for a ques-  
tion with the statement of the Senator  
from California?

Mr. McCARTHY. I yield.

Mr. HART. I think the key point  
is the realization that if the obligation  
with respect to wages is such that the  
offer to domestic laborers is too low to  
attract responsible domestic labor, the  
gate is open for the Mexican. The pur-  
pose of the McCarthy amendment is to  
insure an offering sufficiently high to  
attract domestic labor which is respon-  
sible, if it seeks this opportunity; and  
then, and only then, will the Secretary  
permit the machinery of the Immigra-  
tion Service to bring in Mexican labor.

Mr. McCARTHY. The Senator from  
Michigan is quite correct. The changes

which I am proposing, as well as some  
of those which we are not offering, were  
recommended by Mr. Mitchell, Secretary  
of Labor in the previous administration,  
and are again recommended by Mr.  
Goldberg, the Secretary of Labor in this  
administration, the argument being that  
some standard such as this is necessary  
to administer the program effectively.

Mr. JORDAN. Mr. President, will the  
Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. JORDAN. In answer to the ques-  
tion just propounded by the junior Sena-  
tor from Michigan, the very thing  
which he says would permit the Secre-  
tary of Labor to fix the wages of a domes-  
tic worker would be the same as if he  
carried out the very policy which the  
Senator has discussed.

Mr. HART. I would have no qualm  
or resistance if that were the effect; but  
I think it is not the effect. It does not  
fix the domestic wage. It takes the  
domestic wage and provides that if the  
farmer wishes to use the immigration  
route to bring in labor in competition  
with American labor, he shall offer 90  
percent of whatever the domestic wage  
is.

Mr. McCARTHY. That is the effect  
of my amendment.

Mr. JORDAN. If the Senator will  
read the report, he will find that before  
Mexican labor can be brought into this  
country at all, it is necessary to offer  
comparable wages. The bill provides  
that now.

Mr. HART. I think the Senator from  
Minnesota, in developing his opening  
argument in support of his amendment,  
has made the response which I shall  
adopt to the Senator's statement. In  
the judgment of those who signed the  
minority views, this is a delightful re-  
cital in the bill but does not seek an  
objective of the kind we seek.

Mr. JORDAN. The Secretary of  
Labor cannot certify Mexican labor un-  
til it has been determined that domestic  
labor cannot be obtained. That provi-  
sion is in the law, and it has been in  
the law all the time. The bill spells it  
out again.

Mr. McCARTHY. The Senator is  
correct.

That is the point at issue. It is neces-  
sary to get domestic workers who are  
willing to work at the prevailing wages.  
Those wages are frequently so low that  
even when domestic labor is available,  
or when American workers are unem-  
ployed, they will not accept such wages.  
We are attempting by the amendment  
to obtain a standard which can be used  
by the Secretary of Labor in deciding  
whether to permit Mexicans to come  
into this country, and as a guide for an  
employer to decide whether he wishes  
to bring in Mexican workers.

Mr. JORDAN. The bill also provides  
that the employment of such workers  
shall not adversely affect the wages or  
working conditions of domestic agricul-  
tural workers employed in similar work.  
If bringing in Mexican workers would  
affect domestic migrant labor, the farm-  
er may not bring in Mexicans.

Mr. McCARTHY. That is correct.  
The key words are "similar work." In



Arkansas, where American workers are paid 30 cents an hour for similar work, bringing in Mexican workers could not possibly have an adverse effect upon the workers in Arkansas; it might have a good effect. It could not possibly adversely affect them, because they are getting 20 cents an hour less than would have to be paid Mexican nationals.

Using that standard would not have a depressing effect on their wages.

Mrs. NEUBERGER. Mr. President, will the Senator from Minnesota yield? Mr. McCARTHY. I yield.

Mrs. NEUBERGER. The Senator from Minnesota has shown real concern for workers in the United States, both American and Mexican, and I congratulate him.

Mr. President, in dealing with the Mexican farm labor program, the question is, How temporary is "temporary"?

Often a temporary building carries a "temporary" designation even though it may be 40 or more years old. I think specifically of some of the governmental office buildings in Washington, D.C.

And sometimes a temporary piece of legislation, written during a time of crisis, extended and reextended for many years. I hope we can stop this practice in one area.

I refer to the Mexican farm labor program.

When this bill, H.R. 2010, was reported from the Committee on Agriculture and Forestry with some minor amendments, five of us on the committee signed supplemental views. My able colleague from Minnesota [Mr. McCARTHY] has worked hard to point up the deficiencies in the existing law.

In our supplemental views we noted:

Public Law 78 was enacted in 1951 at a time of labor shortage during the Korean conflict. It began as a temporary program, but it has been extended by Congress four times. During this period the farm labor force has declined, technological change in agriculture has continued at a rapid rate, and unemployment and underemployment have increased as rural problems. Yet at the same time the Mexican farm labor program has expanded greatly.

On page 8 of the report on the bill, table I shows that the total number of Mexican nationals contracted by year from 1951, when there were 192,000, to 1960, when there were 315,846, has increased by 123,846.

During this 10-year period the number of farm operators and unpaid family workers has decreased more than 2 million. At the same time the number of hired workers employed has decreased from 2,236,000 to 1,869,000. The loss is 367,000.

There is no labor shortage in our Nation, either in the vast cities of the East and Midwest or in towns or on farms. The purpose for enacting Public Law 78 has passed.

Out in my home State of Oregon there are fewer than 350 Mexican farm laborers. They help harvest our pear crop. They are paid \$1.44 per hour.

The Department of Labor believes this hourly wage of \$1.44 in Oregon is the highest received by Mexican farm laborers in this country. And I am thankful

that in my State the wage scale is that high.

But this is not the case elsewhere. The Department of Labor estimates the national average wage is around 70 cents per hour. It can be less.

In our minority report on the bill we said:

We do not believe that anyone can accurately establish the extent of the need for this program under the existing practices.

We do know that low wages paid Mexican nationals in turn depress the salary level for domestic workers. The Department of Labor may authorize the hiring of Mexican nationals when local workers cannot be obtained at the prevailing wage in the area for the type of work.

The Department of Labor has found that in some counties this year the hourly wage is 30 to 50 cents per hour.

If we apply the provisions of Public Law 78 there is no incentive for an employer to pay higher wages.

In my July newsletter to Oregonians, I asked:

Is it an insult to our Mexican neighbors that they will do work which Americans won't do, or is it an insult to American farm workers that Mexicans are given working conditions and emoluments that they do not receive?

Under the treaty negotiated with Mexico, nationals from that country are assured adequate housing, transportation costs and health care and insurance. Farmworkers who are U.S. citizens do not receive equal treatment.

If we should vote to continue this program—as Senator McCARTHY has asked—we should amend H.R. 2010 so that it contains a provision limiting the use of Mexican nationals to employers who have made reasonable efforts to attract domestic workers at terms and conditions of employment reasonably comparable to those offered Mexican nationals. We should insist that the minimum wage paid imported and domestic migratory workers be 50 cents per hour or more.

And we should seriously consider amending legislation which will assist the Secretary of Labor in determining whether Mexican nationals should be certified. It is a responsibility of Congress that it should provide the Secretary of Labor with guidelines within which he can work.

The Washington Post editorial, "Peonage," which appeared in that newspaper August 24, 1961, had pertinent observations on Public Law 78. It says, in part:

In its present form, the law is a depressant to the whole agricultural economy. The peonage it imposes ought not to be perpetuated.

Mr. President, I ask unanimous consent that the editorial be reprinted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### PEONAGE

We hope that the Senate, under pressure for adjournment, will not join the House in extending Public Law 78 for another 2 years without amendments. This law, due to expire at the end of 1961, fixes the conditions under which several hundred thou-

sand itinerant farmworkers from Mexico—braceros they are called—are allowed to cross the border and harvest crops in the western and southwestern States of this country.

Public Law 78 was a most useful statute when it was first adopted. It put a floor under the starvation wages which were then being paid to the desperate Mexican peons who were willing to work at any price. But that floor—50 cents an hour—has now become a ceiling for wages paid to American farmworkers in the same area. It is a wage ceiling which has the effect of condemning thousands of American farmworkers to peonage—to a condition of hopeless destitution for themselves and homeless ignorance for their children.

Public Law 78 needs to be brought up to date—by lifting that long outdated 50-cent minimum to a level, as Senator EUGENE McCARTHY has proposed, no less than the average farm wage in the State or in the Nation, whichever is the lesser. In its present form, the law is a depressant to the whole agricultural economy. The peonage it imposes ought not to be perpetuated.

Mr. McCARTHY. Mr. President, Public Law 78, of the 82d Congress, was enacted in 1951 as a temporary emergency measure, to ease the labor shortage which existed at the time of the Korean conflict. But this law has been renewed four times since then; and now we are in the year 1961, 10 years later. Almost every time the question of renewal of the law has been under consideration, it has been argued that it would be well to extend it for only a few years more, and by the end of those few years the emergency would be over. However, 10 years have elapsed, during which time there has been no significant change—certainly no significant legislative change. The only change has been that the Mexican Government has suggested that unless certain concessions were made, it would cut off the flow of Mexican nationals into the United States; so, in a sense, the improvements have been dictated from Mexico, rather than on our part, and thus have taken into account chiefly the welfare of Mexican farm workers, but not the welfare of American nationals who engage in this form of labor.

Mr. MUSKIE. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. MUSKIE. It has been argued that the Senator's amendment in effect undertakes to establish a minimum wage for agricultural workers; that that has never been done in this country; and that if it is to be done, it should be done by means of an amendment to the minimum wage law, which should be referred to the Committee on Labor and Public Welfare and considered there as such.

Until I read House bill 2010, it seemed to me that that argument had some merit. But I ask the Senator from Minnesota whether, on the basis of the argument which has been made, he can distinguish between his amendment and the language of the bill we are considering, which itself, it seems to me, undertakes to establish a minimum wage.

Mr. McCARTHY. The difference is really one of procedure. The substance of my amendment is essentially the same as the substance of the language of the bill, except that it would be limited to



employment in similar work, which would be used as a basis for establishing a standard. I propose that 90 percent of the average hourly wage paid for all agricultural workers in the State or the Nation be the standard used. But in terms of the question of principle which has been raised, the bill as reported by the committee is as much in violation of what has been described here a principle as is my amendment.

Mr. MUSKIE. In other words, Senators who oppose this amendment on the basis that it undertakes to establish a minimum wage for agricultural workers ought also to oppose the pending bill?

Mr. McCARTHY. Or at least section 505 of the Committee bill.

Mr. MUSKIE. Yes.

Mr. McCARTHY. The question is one of the method or procedure for determining what the wage shall be, rather than a difference in principle.

Mr. MUSKIE. I thank the Senator.

Mr. McCARTHY. I thank the Senator from Maine for making that point. Those who wish to act on the basis of principle in connection with matters of this kind should be able to act somewhat more freely, now that the Senator from Maine has clarified the point.

Mr. PROXMIRE. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. PROXMIRE. Is it not true that the Secretary of Labor has testified that the experience of 10 years with the operation of this program—that is, the importation of hundreds of thousands of Mexican agricultural workers—shows that the program has adversely affected the wages, employment, opportunities, and working conditions of domestic migrant laborers?

Mr. McCARTHY. That is quite correct; that was the testimony of the Secretary of Labor.

Mr. PROXMIRE. So, on the basis of that testimony, it seems to me that insofar as the employment of American citizens is concerned, serious consideration might be given to a proposal to abolish this entire program.

If we attach great weight to the welfare of hundreds of thousands of persons, as to whom the documentation has been overwhelming—so much so, that the Columbia Broadcasting Co. has referred to this situation as a "Harvest of Shame"—it would be proper to abolish the whole program, unless it were substantially improved, would it not?

Mr. McCARTHY. The Senator from Wisconsin is quite correct.

The consultants appointed by President Eisenhower stated in their report:

There is reason to believe that the real or presumed shortage of domestic agricultural labor could in large measure eventually be eliminated if more satisfactory wages and conditions of work were offered to domestic farmworkers and if the farm labor market operated on a more rational basis.

Mr. PROXMIRE. So it is conceivable—and perhaps, on the basis of simple economic principles, very likely—that if 300,000 Mexican nationals did not come into the United States to compete with domestic agricultural workers, the wages,

working conditions and, certainly, the employment opportunities for American agricultural workers would significantly improve. Is not that true?

Mr. McCARTHY. That is entirely correct; and in this respect the point of view of the Senator from Wisconsin is shared by the Committee appointed by President Eisenhower, who said:

However, the committee doubts whether it is possible to prevent adverse effect on our citizen agricultural work force by such use of imported workers until and unless the law provides the necessary enforceable authority to prevent adverse effect.

The committee stated that it was its opinion that such importations had had an adverse effect upon wages and general working conditions and opportunities for employment among domestic agricultural workers.

Mr. PROXMIRE. Is it not true that that position was also taken by Secretary of Labor Mitchell when he indicated, as I understand, that he would oppose extension of the law and the entire program unless substantial reforms were made, reforms similar to the very modest kind the Senator from Minnesota is calling for?

Mr. McCARTHY. That is correct. The quotations I have most recently submitted for the RECORD are from the list of recommendations of the committee of consultants to Secretary of Labor Mitchell. This committee of consultants included Mr. Glenn E. Garrett, Msgr. George G. Higgins, Mr. Edward J. Thyne, and Dr. Rufus B. von Kleinsmid.

I ask unanimous consent to have the recommendations of the consultants printed at this point in the RECORD.

There being no objection, the recommendations were ordered to be printed in the RECORD, as follows:

#### EXTENSION OF MEXICAN FARM LABOR PROGRAM—RECOMMENDATIONS

(A review and discussion of the factual background led to the following recommendations. Six of these involve the law itself, and one relates to the procedures by which the law is administered.)

##### A. CONTINUATION OF PROGRAM

The Mexican farm labor program, administered under the terms of Public Law 78, has always been thought of as an emergency program designed to meet a temporary need for supplementary agricultural labor. Although the law was amended several times, its basic purpose was never changed. It is still intended to relieve temporary shortages of unskilled labor.

Do the original arguments in favor of the "Bracero" program still apply? In the judgment of the committee, it is impossible to give a definitive and unqualified answer to this question. On the one hand, it can be argued that all of the labor needs of American agriculture are not, and in the foreseeable future will not be available from domestic sources. On the other hand, it can be contended that the shortage of domestic agricultural labor does not constitute a real emergency, except in certain crops and areas and that, even in these specific cases, the shortage is not unavoidable. More specifically, there is reason to believe that the real or presumed shortage of domestic agricultural labor could in large measure eventually be eliminated if more satisfactory wages and conditions of work were offered to domestic farmworkers and if the farm labor market operated on a more rational basis.

Furthermore, the renewal of Public Law 78 without changes in 1961 would almost certainly tend to postpone the adoption of necessary reforms and would tend to increase rather than diminish the shortage of domestic farm labor.

The arguments for and against the renewal of Public Law 78 are not entirely conclusive. As a practical judgment, however, the committee has concluded that, on balance, the case in favor of renewing Public Law 78 on a temporary basis is more conclusive than the arguments against its renewal.

However, the committee doubts whether it is possible to prevent adverse effect on our citizen agricultural work force by such use of imported workers until and unless the law provides the necessary enforceable authority to prevent adverse effect. Part II of this report shows clearly the continuing problems in administering the law as presently written. In order to provide effective tools by which the Secretary of Labor may continue to authorize the orderly importation of Mexican nationals only where necessary and justified, the committee has incorporated in this part of the report its recommendations for changes in Public Law 78. The committee's support of a temporary renewal of Public Law 78 is conditioned on its being substantially amended so as to prevent adverse effect, insure utilization of the domestic work force, and limit the use of Mexicans to unskilled seasonal jobs.

To overcome the shortcomings of Public Law 78, several basic principles need to be established and incorporated into the legislation. This may be done in a preamble, or by means of amendments to specific sections of the law. These principles are included in the recommendations in items "B" through "F" listed below.

##### B. LIMITATIONS ON USE OF MEXICAN NATIONALS

The legislation should clearly confine the use of Mexicans to necessary crops in temporary labor shortage situations and to unskilled, nonmachine jobs. To accomplish this, the committee recommends that the law be amended to: (a) prohibit employment of Mexicans in specific occupations involving year-round employment such as ranch hands, general farmhands, and other types of non-seasonal employment; (b) prohibit employment of Mexicans in machine operations such as sorting and packing machines, tractors, irrigation equipment, etc.; and (c) delete present provision authorizing the Secretary of Agriculture to designate "necessary" crops on which Mexicans can be used, unless this provision can be clarified and implemented. To avoid undue hardship to growers who have been employing Mexicans in categories (a) and (b), provision might be made for a gradual termination of such employment over a 1-year period.

##### C. RECRUITMENT AND AVAILABILITY OF DOMESTIC LABOR

1. The law should authorize the Secretary of Labor to take such action as may be necessary to insure active competition for the available supply of domestic agricultural workers. The objective of the Secretary should be to reduce reliance on Mexican labor. Some ways in which this could be done include: (a) limit the ratio of Mexicans to domestic workers on individual farms, (b) and limit the number of Mexicans in any particular crop-area to a specific proportion based upon previous years' experience.

2. Sections 503(1) and 503(3) of Public Law 78, both of which relate to the availability of domestic labor, should be combined. The test of availability of domestic labor, which must be made before the use of foreign workers may be authorized, should be clarified and strengthened. The law should clearly stipulate that the primary responsibility for the recruitment of domestic



workers rests with the employer himself. The law should direct the Secretary of Labor not to certify as to the unavailability of domestic labor unless: (a) Employers have undertaken positive and direct recruitment efforts in addition to the efforts of the public employment offices. Such efforts should be made sufficiently in advance of the need. They might include, but not be restricted to, publicizing needs, participation in dayhails, providing adequate housing and transportation. (b) Employment conditions offered are equivalent to those provided by other employers in the area who successfully recruit and retain domestic workers; (c) domestic workers are provided benefits which are equivalent to those given Mexican nationals, i.e., transportation, housing, insurance, subsistence, employment guarantees, etc.; (d) employers of Mexican nationals offer and pay domestic workers in their employment, no less than the wage rate paid to Mexican labor.

#### D. ADVERSE EFFECT CRITERIA

The test of adverse effect on wages and employment, which, if threatened, precludes authorization of Mexican workers, should be more specific. The Secretary should be directed to establish specific criteria for judging adverse effect including but not limited to: (a) Failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) differences in wage and earning levels of workers on farms using Mexican labor compared with nonusers.

#### E. WAGES

The Secretary should be authorized to establish wages for Mexicans at no less than the prevailing domestic farm rate in the area or in the closest similar area for like work; and no less than a rate necessary to avoid adverse effect on domestic wage rates.

#### F. GENERAL RULE

While there is inherent authority to issue implementing regulations, Public Law 78 should be amended to include specifically a provision authorizing the Secretary to promulgate such rules and regulations as he deems necessary to effectuate the requirements of the law.

#### G. ADMINISTRATIVE PROCEDURE

Although many of the problems in connection with the Mexican farm labor program can be resolved only by changes in Public Law 78, there is much that can be done through administrative procedures.

1. It is believed that additional progress could be made if adequate staff resources were available so that the Secretary could make the fullest use of the authority he does have to evaluate carefully all requests for foreign labor. Emphasis should also be given to developing procedures and regulations which will avoid, to the greatest extent possible, adverse effect in their employment.

2. It is recognized that many facets of the Mexican importation program have been decentralized and that other parts of the program are administered through the affiliated State agencies and their local offices. While this undoubtedly results in economies, there is also a serious danger that local pressures and considerations may distort the original intent of the program. It is therefore suggested that sufficient controls and checks be developed to offset this possibility.

3. For more effective administration of the compliance aspects of the importation program, consideration should be given to the possibility of punitive action against violators which would be less severe than complete withdrawal of Mexicans. Failure to provide less severe penalties often results in no punitive action at all.

4. It is recommended that a tripartite advisory committee be established to advise the Secretary on the Mexican farm labor program. The committee should consist of representatives of management and labor in equal numbers and of public members.

In recommending changes in Public Law 78, and in the administration of the law, the committee is mindful that these proposed changes will not, of themselves, solve the long standing and complicated manpower problems of American agriculture and may not substantially improve the wages and working conditions of domestic farm labor. These recommendations should therefore be considered minimal in nature.

Mr. GLENN E. GARRETT,  
Msgr. GEORGE G. HIGGINS,  
Mr. EDWARD J. THYE,  
Dr. RUFUS B. VON KLEINSMID,  
*Consultants to the Secretary.*  
Mr. WILLIAM MIRENGOFF,  
*Executive Secretary.*

Mr. JORDAN. Mr. President, will the Senator from Minnesota yield?

Mr. McCARTHY. I yield.

Mr. JORDAN. I should like to point out to the Senator that any defect in this law can be charged back to the Secretary of Labor, because he cannot certify any Mexican worker until he has found that no domestic labor is available to do the work. So if he has certified that such Mexican labor is needed in order to do the work, the fault is his.

Mr. PROXMIRE. The answer is that no American agricultural labor is available if the wage offered to be paid is 35 cents an hour—which the record shows is the amount that is paid in Arkansas—and the same is true when any of the other very low wages are offered; and they are documented on page 8 of my supplemental views.

If people are to insist on paying wages this low, they are not going to find Americans able to work at such low wages. On the other hand, if working conditions are improved and wages are increased, the pool of persons who are willing to work will increase.

In the State of Wisconsin last year we employed more than 1,000 Mexican nationals, and we employ many others. I am convinced that if wages were higher in my State, many American farmworkers would be willing to work.

Mr. JORDAN. Mr. President, if the Senator will yield, so long as they are drawing as much in unemployment compensation or relief as they could make while working, they would rather do that than work for the money.

I should like to refer to a State which has the most braceros; namely, California. I think California is at the top of the list.

Mr. PROXMIRE. California and Texas.

Mr. JORDAN. California is just under Texas. According to the Secretary of Agriculture, the average rate in California for the braceros and domestics is \$1.25 an hour. California is next to the top State in the use of braceros, and it now pays 10 cents higher than the minimum wage. So it is not a question of how much is paid to those persons; it is a question of how many are available to work.

North Carolina does not use any braceros, so there is nothing selfish about this.

Mr. McCARTHY. The cucumber growers of North Carolina manage without importing workers.

Mr. JORDAN. We are not large producers of cucumbers, but we have many small cucumber producers, and the total amounts to a fair-sized production. Domestic workers do that work.

Mr. PROXMIRE. The Senator from North Carolina is very fairminded, and he is an expert in this area.

It seems to me what the Senator from Minnesota is trying to do is provide a wage standard for the Secretary of Agriculture to apply which is a little higher; and, after all, it is very modest. It is still the fact that the average State or national wage for the farmworker is low. This is not a prohibitive level. This is the level that would be preferred by the Secretary of Labor who will administer the program? Is that correct?

Mr. McCARTHY. The Senator is correct. I wish to quote from the testimony of the Secretary of Labor, Mr. Goldberg, with regard to standards to be applied in determining what the wage rates should be. He said:

We now know, however, that the prevailing wage principle applied to a massive foreign worker program tends to prevent wages from rising. That this has actually occurred over the last 8 years, to a serious extent in many areas, is now a matter of common knowledge.

The Secretary continued:

In areas where a large number of Mexicans are used, it is difficult to arrive at a valid method for determining the prevailing wage required to be paid Mexicans so as not to reflect merely the wage received by those workers from year to year.

Where there are only Mexicans, or a large percentage of the work force in similar work is made up of Mexican nationals there is no other base on which to determine what they should be paid.

I continue to quote:

The Department has made strenuous efforts during the last few years to avoid this. These efforts have not met with success. And in some areas the employers of Mexican labor have initiated wage increases designed to overcome adverse effects of the Mexican labor importation. Unfortunately, these have been in the minority.

In numerous other areas the wage rates in the specific activities in which Mexican workers are employed have remained static or even declined. To illustrate, Mexican nationals were employed in 1951, after Public Law 78 was enacted, at an hourly wage of 50 cents per hour in Arkansas, Missouri, Texas, and New Mexico. Ten years later, in 1960, this was still the rate normally paid braceros in most areas in these States. In the meantime, of course, the average wage rate for all hourly paid farmworkers in these States as well as in the Nation as a whole was increasing significantly.

Secretary Goldberg continued:

The availability of braceros at these static rates throughout this 10-year period has tended to place a ceiling upon the wage offered U.S. workers engaged in similar work in the areas where braceros are employed.

Secretary Goldberg went on to summarize the problem—which I think is of



concern to us—of administrative difficulty, and asked that we clarify and establish workable standards:

In far too many areas employers have not, since the inception of this program, voluntarily introduced any wage increases and have vigorously opposed any efforts of the Department to give meaning and effect to the statutory responsibility of the Secretary not to make Mexican workers available under circumstances which would adversely affect the wages and working conditions of our own agricultural workers. We have found ourselves in endless litigation challenging the validity of the Department's policy and criteria to prevent such adverse effect even where the policies of the Department would require the payment of wages which would produce minimum earnings of 50 cents per hour.

In the light of this experience and in view of the unrelenting resistance to the Department's efforts to carry out its responsibilities under Public Law 78, we have concluded that statutory standards should be prescribed by the Congress to avoid the continuous and irksome friction that has characterized the program; and which has in effect tended to impair the safeguards which the law purports to provide.

To this end—

The Secretary concludes—

the administration recommends an amendment, as contained in S. 1945, which would require employers with labor shortages sufficient to warrant bringing in foreign workers to offer to such workers wages at least equal to the statewide or national average rate for hourly paid farm labor, whichever is the lesser.

This is essentially the amendment which I am offering, though I have modified it to read 90 percent of the statewide or national average.

We have gone beyond that and say, since in the average we take into account the higher paid farmworkers and the fact that Mexican nationals are paid fringe benefits—by way of medical aid, housing, transportation costs—90 percent of the average paid in the State is a wholly fair standard to apply.

I ask unanimous consent that the statement given to the Senate Subcommittee on Agricultural Research and General Legislation by the Secretary of Labor, Mr. Goldberg, on June 13, be printed in the RECORD at this point, and also a letter from Secretary Goldberg to me stating his position on the committee bill.

There being no objection, the statement and the letter of Secretary Goldberg was ordered to be printed in the RECORD, as follows:

EXTENSION OF MEXICAN FARM LABOR PROGRAM,  
TUESDAY, JUNE 13, 1961, U.S. SENATE, SUB-  
COMMITTEE ON AGRICULTURAL RESEARCH AND  
GENERAL LEGISLATION OF THE COMMITTEE  
ON AGRICULTURE AND FORESTRY  
STATEMENT OF HON. ARTHUR J. GOLDBERG, SEC-  
RETARY OF LABOR

Secretary GOLDBERG. Senator JORDAN and Senator HART, I have a prepared statement which I will deviate from, so I would like at this time to offer it for the record. I will not read it verbatim, but I will make comments about it, if that meets with your approval.

Senator JORDAN. Yes, sir.

The prepared statement of Secretary Goldberg is as follows:

"I welcome this opportunity to present the views of the administration and to express my personal views on legislation which

this committee is considering for improving the Mexican labor program and for its extension for an additional 2 years.

"To remove any doubt as to the administration's position, I would like to state at the outset that we are not advocating the termination of the program. On the contrary, fully mindful of the uncertainty of meeting the labor requirements at this time of our agricultural producers entirely from our own labor supply, we recommend the extension for a 2-year period of Public Law 78—the law which provides the basic authority for the Mexican labor program.

"But it should be equally clear that the administration opposes any extension of this law unless it is appropriately amended to provide sorely needed protection for our own workers; protection against the rampant competition for available jobs from an almost inexhaustible reservoir of foreign workers accustomed to work for wages and under conditions which compared with ours are substandard and which we have long relegated to the past.

"The basic question is—do we not have a solemn responsibility to our own workers to provide safeguards against the adverse impact upon their wages, working conditions, and employment opportunities that must inevitably flow from the large scale use of foreign supplemental labor.

"There are two bills presently before this committee, H.R. 2010 and S. 1945.

"H.R. 2010 would merely extend Public Law 78 for an additional 2 years without amendment. S. 1945 would extend the program for 2 years but with basic amendments to protect the interests of domestic agricultural workers. The amendments are as follows:

"1. Authorize the Secretary of Labor to limit the number of Mexican nationals that may be employed by any one employer to the extent necessary to assure active competition for domestic workers.

"2. Require growers to offer conditions of employment to domestic workers comparable to those they must provide Mexican workers.

"3. Prohibit the employment of Mexican workers in other than temporary or seasonal work or in work involving the operation of power-driven machinery.

"4. Provide that employers using Mexican workers must pay them wages at least equivalent to the statewide or national average rate for hourly paid farm labor, whichever is the lesser. The maximum increase in any one year would be the equivalent of 10 cents per hour.

"The administration supports S. 1945.

"Programs for the admission of Mexican agricultural workers have been with us for almost 20 years. The present program stems from governmental arrangements concluded during World War II. At no time during the war years did the numbers exceed 175,000 in any one year. With the cessation of hostilities the program tapered off until the Korean emergency again created manpower stringencies. The need was felt for an orderly method of supplementing available domestic workers, and in 1951 Public Law 78 was enacted. The law, implemented by an international agreement with Mexico in the same year, has been extended, with minor amendments, from time to time since then.

"Under Public Law 78 approximately 200,000 Mexicans were brought in annually between 1951 and 1953. From that time it increased until it reached a peak of approximately 445,000 in 1956. In 1960 due to mechanization of the cotton harvest the number decreased to about 315,000.

"During the House consideration of similar legislation this year, considerable argument was advanced designed to show the need for a continuation of the program. Since the administration is not opposing an extension of an improved law, such arguments are not relevant. The sole question

which we are now considering is what terms and conditions are necessary, when admitting Mexican workers, to avoid undermining the economic conditions of our domestic farmworkers.

"Approximately 2,200,000 American farmworkers who depend for their livelihood on farm employment are in some measure affected by the Mexican labor program. But the impact of mass importation of foreign agricultural workers falls with the greatest severity upon our migrant agricultural workers—the segment of our labor force whose shocking living and working conditions have increasingly become the subject of public scrutiny in the press, over the radio, on television, in the pulpit, and in the Halls of Congress.

"The majority of American migrants, moving in vast streams out of the South and Southwest each spring, exist for the most part in a shadowy world of poverty, privation, lack of opportunity and living conditions intolerable by any standards. Each year approximately 500,000 American farmworkers migrate with their families in order to avoid either unemployment or low wages at home. All too frequently they are quartered in unsanitary and substandard housing; transported in unsafe buses and trucks which has subjected them to a high incidence of accidents resulting in death and serious injury. Because they are constantly on the move, their children are denied the opportunity to receive a minimal education, while restrictive residence requirements deny them public health and welfare services. The conditions of these families are an affront to American concepts of human dignity.

"The unpleasant truth is that the migratory labor system in the United States is based on underemployment, unemployment, and poverty. This is not a small problem. The Department of Agriculture estimates that underemployment alone in rural areas of our Nation is the equivalent of 1,400,000 fully unemployed people. The earnings of agricultural workers average barely over \$1,000 a year.

"Farmworkers are excluded from minimum wage, unemployment insurance, almost all workmen's compensation legislation and most other social legislation. In addition, they are excluded from legislation which protects the right of workers to organize and bargain with their employers.

"We, as a Nation, take pride in our concern for the dignity of the individual; but the apathy that has been demonstrated toward this lingering social problem seems to us to be an abdication of our responsibilities. At a time when we are engaged in a bitter struggle to advance the cause of democracy throughout the world this social and economic blight at home has become a matter of embarrassment to the United States.

"The emphasis in our foreign aid policy is reflecting a greater concern for the individual in the underdeveloped countries throughout the world. We are accenting the need for improving the standard of living of these poverty ridden people. While we have necessarily expended hundreds of millions of dollars in this effort, we must equally measure up to our responsibilities toward our own agricultural workers who, in our midst live in poverty and degradation. The conditions under which these men and women live and work is contrary to our democratic institutions and ideals. In the interest of simple humanity we should not tolerate these conditions.

"The present administration is firmly of the view that the time for studying the migrants' problem is past; the time for remedial action is long overdue. This blemish in our social order must be eradicated. While some progress has been made it is not nearly enough.

"For its part, the Department of Labor is now considering ways and means of improv-



ing and extending existing programs for farmworkers in order to assure greater continuity in employment and higher earnings.

"To me it appears highly inconsistent, however, to attempt to improve the lot of the migrant workers through the series of bills which the Congress is now considering while requiring these workers to complete, without adequate legal protections to safeguard their interests, with an inexhaustible supply of foreign workers.

"The nature and size of the Mexican labor program substantially interfere with the normal operations of the law of supply and demand in the labor market. The inexorable result is to stabilize or depress the wages of our own farmworkers in areas where Mexican braceros are employed. My concern over this problem was shared by my predecessor in office, the distinguished James P. Mitchell. It has been highlighted in a report of a committee of prominent consultants who were appointed by Secretary Mitchell to study the matter.

"Although we are concerned with the impact of the Mexican labor program on the economic conditions of domestic farmworkers, we are in no way critical of the Mexican workers as individuals. We value them highly as respected neighbors. They have proved to be dependable and competent workers and have contributed a great deal to the Nation's agricultural production.

"To meet these problems, the administration recommends the enactment of Senator McCarthy's bill, S. 1945. This bill is designed to assure that the Mexican labor program remains a truly supplemental labor program rather than a program to substitute Mexican workers for U.S. workers.

"We have been urged by many groups and individuals to oppose any extension of Public Law 78. This position, we believe is too extreme. The administration's proposals would extend the program for 2 years with reasonable and moderate amendment.

"First, the Secretary of Labor would be provided with authority, in connection with his certifications under section 503, to limit the number of foreign workers who may be employed by any employer to the extent necessary to assure active competition among farmers for the services of U.S. farmworkers.

"As I indicated above, we find that because of the Mexican labor program, there has been a substantial deterioration of employer recruitment programs and of the labor relations practices designed to maintain a stable and productive work force. The results are that employers of Mexican workers frequently pay lower wages to domestic workers than the employers in the same activity and area who depend upon U.S. agricultural workers. They are under no real compulsion to attract additional U.S. farmworkers, with results that are clearly adverse to the interests of our own farmworkers.

"The most tangible result of the ready supply of Mexican workers is its depressing effect upon wages. The failure to make the special effort to offer other working conditions that are necessary to maintain a satisfied work force, however, may be even more detrimental to U.S. farmworkers and a significant factor in the failure to obtain them.

"All efforts to protect our farmworkers from these effects of the Mexican labor program in a meaningful manner heretofore have been unsuccessful. Clearly, employer responsibility to recruit and retain U.S. farmworkers is required in the law. The incentive for employers of Mexican workers to do a better job of domestic recruitment and labor relations will be increased under this amendment. Where necessary, each employer of Mexican workers will be required to maintain a fair, specified proportion of domestic agricultural workers in his work force.

"In this connection, I am somewhat disturbed by allegations that our domestic

workers are an unstable and unreliable source of labor; that employers experience, notwithstanding their best recruitment efforts, large turnover in their domestic labor force. In my judgment this is a most unjust characterization of our domestic agricultural labor force.

"Thousands of farmers throughout the country depend exclusively upon domestic agricultural labor to plant, cultivate, and harvest their crops. It is evident that when dealing with a large number of domestic workers or foreign workers there will be those in both categories who will not fulfill their obligations. In varying degrees, some Mexican workers have failed to complete their contracts without justifiable reasons. I think it is significant that approximately 500,000 domestic migrant workers year by year leave their homes in search of employment. It is inconceivable to me that these people would be willing to subject themselves to the privations and hardships under which they live and travel if they were not sincerely and genuinely interested in obtaining remunerative employment. We should also take note that to a great extent they move from the low wage areas to seek better employment opportunities.

"My experience convinces me that the stability of a work force is directly related to the efforts and interests of the employer in providing the worker with satisfactory employment. A dependable work force is obtained not alone by the payment of transportation. While this may be a significant factor in obtaining the workers in the first instance, whether a worker is satisfied with his employment depends in a large measure upon day-to-day treatment accorded him by his employer; it depends upon the interest the employer manifests in his welfare; it depends upon the wages and working conditions, the housing provided him and a variety of other factors which employers who successfully recruit and retain workers have learned are important in assuring themselves of a competent and dependable work force.

"I would like to point out that generally where decent wages and working conditions are offered, domestic labor is available. It is available, for example, in the State of Washington where wages are \$1.25 an hour, as compared to 50 cents an hour in other areas and, where growers participate in an annual worker plan, and sometimes advance transportation costs to American migrants. It is available in the State of Oregon where the State legislature has enacted legislation improving conditions for American farmworkers. It is available in northern California, where American workers can earn as much as \$1.50 an hour on some tree crops. On the other hand, we cannot expect to attract domestic workers to areas which pay less than 50 cents per hour.

"I have also heard from time to time the complaint that domestic workers will not accept certain agricultural employment, such as 'stoop labor,' regardless of the wages and working conditions offered. This contention does not square with the facts. Good cases in point are the States of Mississippi and Louisiana. In the early days of the Mexican labor program, these States used a substantial number of Mexican workers. The employers in these States, however, decided that it was in the best interest of the local economy to utilize domestic agricultural workers and are no longer employing Mexican labor. In these States, as in many other States, domestic agricultural workers are performing 'stoop labor.' For example, More foreign workers are used in the cotton harvest than in any other crop. In this activity which involves exclusively 'stoop labor' four-fifths of the entire labor force is comprised of domestic agricultural workers.

"Approximately 64 percent (70,000) of all the workers employed at the peak of the

tomato harvest, the second largest crop in which foreign workers are used, are domestic agricultural workers. Approximately 39,000 Mexicans are used in this activity at peak, almost all in the State of California.

"Even in Texas, California, Arkansas, Arizona, and New Mexico, the five States using the greatest number of Mexican workers, the majority of the total hired agricultural labor force during the same time, in the same States, in the same areas and in the same activities, are domestic workers.

"The theory that domestic agricultural workers will not accept work which is unpleasant or undesirable is not supported by the facts. Innumerable American workers are employed in a variety of difficult and unpleasant jobs, such as mining, operation of garbage trucks, sewer maintenance, cesspool workers, sand hogs, boiler stokers, blast furnace workers, and others.

"It is thus apparent that the allegations that domestic workers will not accept the type of employment for which Mexicans are used is without foundation.

"For the reasons I have stated I believe that the administration's proposal to permit the Secretary of Labor to limit the number of Mexican workers employed in the United States is necessary to stimulate more vigorous recruitment programs to the end that there will be a greater utilization of the domestic labor force.

"The second substantive amendment provided in S. 1945 would make Mexican workers available only to employers who have made reasonable efforts to attract domestic workers at terms and conditions of employment reasonably comparable to those offered to foreign workers.

"Under existing law, the Secretary of Labor must certify, before foreign workers may be made available, that domestic workers have been offered wages and standard hours of work comparable to those offered to Mexican workers. No provision is made for offering to domestic workers the other material benefits which, under the Migrant Labor Agreement, are provided the Mexican workers. These include workmen's compensation or occupational insurance coverage for the Mexican farmworkers, as well as free transportation, free housing, subsistence when work is not available, written contracts, and work guarantees.

"S. 1945 would condition the availability of the Mexican workers to any employer on the employer's offer to domestic farmworkers, not only of comparable wages and standard hours of work, but also of other comparable benefits.

"The effect of this amendment is that the available job offers would be made more attractive for domestic workers at costs for such benefits generally the same as those the employer now incurs when he obtains Mexicans. It would also remove the anomaly and injustice that has done so much to arouse public sentiment against Public Law 78, its maintenance of higher labor standards for foreign workers than those accorded our own workers.

"The amendment does not require precisely the same terms and conditions to be offered as are extended to Mexicans. It is contemplated that appropriate recognition would be given to the differences between the situation of the domestic workers and the foreign workers.

"For example, for local workers who have their own homes in the area of employment, it would not be reasonable to require the employer to offer free housing. Local workers would be reimbursed with monetary allowances in lieu of housing and of daily transportation to the job when these benefits are not provided. The requirements that local workers be offered a written contract, the three-quarter guarantee of employment, and subsistence payments would



be waived in instances where they are clearly inappropriate.

"The principal impact of certain features of the amendment relates thus to recruitment of nonlocal workers. Those assurances should make acceptance of out-of-area seasonal farm employment a feasible choice for many more unemployed and underemployed.

"The provision of comparable benefits to domestic migrants poses some special problems as it relates to housing. The obligation to provide free housing, as is provided Mexican nationals, should not be expanded, on a mandatory basis, to the free provision of family housing for dependents not part of the work force. Here again a monetary allowance of roughly equivalent to the cost of housing a single worker can be provided.

"We are, of course, aware of the complaint filed by some employers of unsatisfactory results from their recruitment of distant workers. Cases have been cited in which workers transported at the employer's cost have not completed the work required for the harvest. Here I would like to advert to my previous observation that generally the dependability of a work force has a direct relationship to the treatment accorded the workers and the terms and conditions of their employment. For example, a study made by the State of Washington in 1958 disclosed that approximately 100 crew leaders with 3,600 workers were recruited in Texas through the annual worker plan, directed and coordinated by the Department of Labor, for employment in the State of Washington. Farmers in the State of Washington advanced more than \$110,000 to those crew leaders by sending cashiers' checks or Western Union money orders to them in care of the Texas Employment Commission's local officers. All but two of these crew leaders reported for work with crews and proved eminently satisfactory—the total loss \$250. This is only one illustration which, I am sure, can be duplicated throughout the country.

"While the experience of many other employers who provide transportation to workers has been gratifying, the Department recognizes that many employers are honestly and legitimately concerned with the uncertainties involved. Accordingly, we propose to provide that the employer who chooses may, in lieu of providing transportation in advance, agree rather to reimburse workers for their transportation costs, after the fact, in proportion of the agreed contract which the worker fulfills. However, this should not permit practices that are less liberal than those prevailing in the area. This will, I believe, remove any reasonable objection on the part of employers to paying for domestic workers, as they do for Mexican workers, the cost of transportation to the job and of their return home on completion of the contract.

"Fear has been expressed by some that the Department of Labor, in proposing that domestic farmworkers be afforded terms and conditions reasonably comparable to those provided Mexican workers, is seeking broad discretionary power which might be exercised in an arbitrary manner. The area of uncertainty seems to be centered around a method of converting transportation and housing allowances in cash payments.

"I find it rather strange that this same fear has not been manifested in connection with a present provision of Public Law 78. Under that provision, in any case in which a Mexican worker is not returned to the reception center, the employer is required to pay an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers to the reception center. The administration of this provision involves the exercise of discretion on the part of the Department. Although thousands of dollars have been paid by the growers to the United States on

the basis of estimates made by the Department of Labor, there has been no accusation of any arbitrary or capricious action on the part of the Department. As a matter of fact the Department on its own initiative in 1954 proposed and obtained an amendment which provided authority to relieve employers of double assessments which were required in some cases under the provisions of the law.

"In the light of this experience, fear of arbitrary action on the part of the Department is certainly not well founded. Far from granting new undefined authority to the Secretary, of the 'comparable terms and conditions' principle is specific and limited. The terms and conditions provided the Mexicans are spelled out in considerable detail in the agreement with Mexico. These would provide a specific outer limit upon what the employer would be required to offer to domestic workers. To me, it is indeed, anomalous that a citizen of the United States who presents himself for employment in this country can under the law be told that foreign workers are entitled to greater benefits when employed in the United States than he can obtain. U.S. citizenship thus becomes a liability in the United States.

"We also recommend an amendment contained in S. 1945 to prohibit generally the employment of Mexican workers admitted under Public Law 78 in other than temporary or seasonal work or in work involving the operation of power-driven machinery. The Secretary could grant temporary exceptions where he believes this necessary to prevent undue hardship. He would use this authority to permit gradual adjustment where farmers are now dependent upon Mexican workers for year-round or machine jobs.

"Although we believe that the Mexican labor program when initially enacted was viewed as a means of meeting seasonal shortages of unskilled field hands, this purpose was not specified in the law. Consequently, we now have substantial numbers of braceros employed on mechanical equipment and additional thousands in year-round jobs. In view of the substantial underemployment and unemployment characteristics of our own farm work force, the alleged shortage of U.S. workers for skilled and year-round jobs are believed to reflect problems of wage levels and employee relations rather than true shortage of labor. We believe that the Congress should so conclude, leaving the Secretary with discretion only to grant temporary exceptions in specific hardship cases. We are not now even considering the question of stoop labor but of employing braceros to operate costly machinery and in year-round occupations. In my opinion, there is no question but that domestic workers will accept such employment provided that the wages and conditions of work are reasonable. Whenever there is a need for additional workers for year-round employment which cannot be met from our domestic labor force, they should be admitted under the provisions of the Immigration and Nationality Act which deals with the permanent admission of workers for employment in the United States.

"The administration's recommendations for legislation extending the Mexican labor program, as contained in S. 1945, would also enact into law a definite policy with respect to wages of Mexican workers that must be offered and paid by employers seeking authorization to employ such workers.

"The prevailing wage principle that has been our basic guide in this matter is a proper protection for Mexican workers and must continue to be used for this purpose. We now know, however, that the prevailing wage principle applied to a massive foreign worker program tends to prevent wages from rising. That this has actually occurred over the last 8 years, to serious extent in many

areas, is now a matter of common knowledge.

"In areas where a large number of Mexicans are used, it is difficult to arrive at a valid method for determining the prevailing wage required to be paid Mexicans so as not to reflect merely the wage received by those workers from year to year.

"The Department has made strenuous efforts during the last few years to avoid this. These efforts have not met with success. And in some areas the employers of Mexican labor have initiated wage increases designed to overcome adverse effects of the Mexican labor importation. Unfortunately, these have been in the minority.

"In numerous other areas the wage rates in the specific activities in which Mexican workers are employed have remained static or even declined. To illustrate, Mexican nationals were employed in 1951, after Public Law 78 was enacted, at an hourly wage of 50 cents per hour in Arkansas, Missouri, Texas, and New Mexico. Ten years later, in 1960, this was still the rate normally paid braceros in most areas in these States. In the meantime, of course, the average wage rate for all hourly paid farmworkers in these States as well as in the Nation as a whole was increasing significantly.

"The availability of braceros at these static rates throughout this 10-year period has tended to place a ceiling upon the wage offered U.S. workers engaged in similar work in the areas where braceros are employed.

"To these illustrations of static wages in the presence of substantial Mexican employment can be added many others. Of the 123 wage surveys made in 1960 in specific areas and activities employing Mexican workers, it was found that the wage prevailing among U.S. workers had remained static from the previous year in 67 percent of the cases. It had actually declined in 15 percent. In the face of generally rising farm wages, this tendency to remain stable or decline where Mexican workers are employed is, in my view, a direct outgrowth of the Mexican labor program. This is a central problem in the way the Mexican program operates today, and the reason why we urgently need corrective guidelines of the type proposed in S. 1945.

"In far too many areas employers have not, since the inception of this program, voluntarily introduced any wage increases and have vigorously opposed any efforts of the Department to give meaning and effect to the statutory responsibility of the Secretary not to make Mexican workers available under circumstances which would adversely affect the wages and working conditions of our own agricultural workers. We have found ourselves in endless litigation challenging the validity of the Department's policy and criteria to prevent such adverse effect even where the policies of the Department would require the payment of wages which would produce minimum earnings of 50 cents per hour.

"In light of this experience and in view of the unrelenting resistance to the Department's efforts to carry out its responsibilities under Public Law 78, we have concluded that statutory standards should be prescribed by the Congress to avoid the continuous and irksome friction that has characterized the program; and which has in effect tended to impair the safeguards which the law purports to provide.

"To this end, the administration recommends an amendment, as contained in S. 1945, which would require employers with labor shortages sufficient to warrant bringing in foreign workers to offer to such workers wages at least equal to the statewide or national average rate for hourly paid farm labor, whichever is the lesser. This would be applicable only to those employers who are seeking to obtain Mexican workers. Where employers requesting Mexican work-



ers are not offering at least this much, they would be expected to bring their wage offers up to this level. In no case would employers be required to increase their wages by more than the equivalent of 10 cents per hour in any 1 year. We believe that this formula will prevent the stagnation and/or depression of farm wages in some areas where large numbers of braceros are employed; it would simply cause wages in these activities to keep pace with farm wages generally. No employer willing to offer average wages would be deprived of needed braceros by this amendment.

"We are of the view that we presently have the authority under existing legislation to require this; that the adoption of this formula by the Department would be a reasonable exercise of the Secretary of Labor's statutory responsibility under title V of the Agriculture Act of 1949 (Public Law 78) not to make Mexican workers available unless he can certify that their employment will not adversely affect the wages and working conditions of domestic workers similarly employed. We believe that this is a fair and appropriate standard by which to test such adverse effect.

"The simple fact is that whenever the Department of Labor has adopted any measure to give meaning and effect to this statutory requirement, the authority of the Secretary of Labor has been vigorously contested, in and out of court. In fact in the most significant cases in which such restraining orders have been issued, even though set aside at a later date, it has been due only to the action of the Mexican Government in withholding their nationals that the adverse effect has not been greater. Because we have been subjected to restraining orders and to other litigation that vitiates that authority, we believe that the time has come to remove any doubt as to the validity of the Secretary's actions through a specific legislative standard.

"This is not, I believe, contrary to a resolution passed in December 1960 by the American Farm Bureau Federation favoring extension of the Mexican labor program. This resolution read, in pertinent part:

"We favor the establishment of statutory standards for the exercise of the broad discretionary authority now delegated to the Secretary of Labor. We strongly oppose the delegation to the Secretary of discretionary authority even broader than he now has."

"I am somewhat perplexed by the dilemma in which the Department finds itself. On the one hand, when it endeavors to establish standards to give effect to its responsibilities under the law, its authority to adopt such standards is forthwith challenged on the grounds that the Secretary of Labor is attempting to usurp congressional prerogatives. On the other hand, the same groups are here opposing a proposal on the part of the Department to avoid such problems in the future by requesting an amendment which would provide statutory standards and remove any further questions as to whether or not the standards are within the congressional contemplation.

"During the House debates on H.R. 2010 and the amendments introduced similar to those contained in S. 1945, it was repeatedly argued that the Department of Labor already has authority under present law to put into effect the recommendations of the administration. We do not concur in this conclusion, at least with respect to some of the amendments. To the extent that such authority presently exists, the purpose in requesting statutory guidelines is to eliminate any further question as to the propriety of action taken by the Department to protect the interests of our domestic agricultural workers within the contemplation of Public Law 78.

"To meet these problems adequately, the administration recommends that if Public Law 78 is to be extended for 2 years, it should be amended as provided in S. 1945.

"In closing I would like to observe that there is general recognition of the fact that we are confronted with a serious problem of underemployed and unemployed farmworkers; that these workers and their families live and work under conditions which we cannot in good conscience continue to ignore. We have an obligation to these workers to extend every effort not to aggravate an already intolerable situation by placing them in competition with foreign workers without safeguarding them against the impact of this vast foreign supplemental labor supply.

"The time has come for a more realistic approach to this problem. It is time that we cease finding reasons why we cannot utilize more fully our own labor resources. It is time that we begin to think in terms of developing affirmative programs which will bring dignity, social and economic well-being to our own underprivileged agricultural labor force."

U.S. DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, August 8, 1961.

HON. EUGENE J. MCCARTHY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MCCARTHY: I have carefully studied the draft bill, H.R. 2010, approved by the Senate Agriculture Committee, providing for a 2-year extension of the Mexican farm labor program, Public Law 78. Although this measure would make some minor improvements over the present law, it falls far short of providing the needed reforms which the administration had sought in order to protect our citizen farmworkers.

The committee bill includes two amendments from among those recommended by the administration. One prohibits the employment of Mexican braceros in jobs involving the operation or maintenance of power-driven machinery. The other prohibits the employment of braceros in year-round occupations. In addition, the committee bill includes an amendment with respect to working conditions offered to U.S. workers. The meaning of this term is so circumscribed by language in the report as to have no practical value. The problems do not lie in the limited area to which this amendment is directed.

Finally, the committee's bill includes a new provision, section 505, the purport of which is that both domestic and foreign workers shall be paid not less than the wage prevailing for similar work in the area. Although the prevailing wage principle has always been a part of the Migrant Labor Agreement with Mexico, it has never before been stated in Public Law 78, and its inclusion now appears to have no practical value. Unfortunately, the amendment fails to correct the important wage problems which, uncorrected, threaten to make this program inconsistent with the public interest. I refer here to Public Law 78's serious adverse effect upon the wages of U.S. farmworkers and to its effect in some areas of enabling employers to pay U.S. workers less than they pay Mexican workers doing the same work.

The committee bill did not incorporate any of the most important amendments which the administration had requested, and which were before the committee in the form of S. 1945, which you introduced. Among the omissions are:

1. Limitation of eligibility to employ braceros to growers who will pay Mexican nationals at least average farm wages, the average for the State or for the Nation, whichever is lower.

2. Limitation of eligibility to employ Mexican workers to growers who offer and actually provide benefits and conditions of employment to U.S. farmworkers comparable to those they are required by law to provide to Mexicans. (This includes work guarantees, insurance, and free housing and transportation, as well as wages.)

We do not believe that the bill as reported by the committee reaches the basic problems which stem from the large-scale use of Mexican workers, that is, the adverse impact that their employment has on the wages, conditions of employment, and employment opportunities of our own workers. The committee's failure to accept your amendment which would require growers using Mexican labor to pay them the average farm wage of their particular state or of the Nation, whichever is lower, is much to be regretted. This provision is the keystone of the administration's reform requests. As you know, the effect of the Mexican program in many areas has been to place a ceiling on the wages offered to U.S. workers, at the wage level at which Mexican workers are made available. Where an ample supply of workers (Mexicans) are available at 50 cents per hour, for instance, employers do not voluntarily offer to pay higher wages. The consequence of this system is that it has established a wage ceiling for U.S. workers often at only 50 cents per hour. In many areas using a significant number of Mexican workers this wage ceiling has remained frozen at this level for 10 years, as the direct result of the Mexican labor program. This is the fundamental vice of the present Mexican labor program and the committee bill, H.R. 2010, does nothing to correct it.

I have every confidence that, once this is understood, the Senate will vote to remove this wage ceiling. This can be accomplished simply by adoption of your wage amendment. What is involved here is not, as has been erroneously stated, the enactment of a minimum wage floor; it is rather the breaking of a wage ceiling imposed by Public Law 78 upon many of our lowest-paid workers. None of the Administration proposals embodied in your bill was designed to or in fact would establish a minimum wage in agriculture.

The sole impact of your wage amendment is upon those farm employers who would take advantage of the special privilege of bringing in an ample supply of foreign labor under contract. To these growers this amendment would say merely that this special privilege is conditioned upon your paying at least average wages to the workers thus recruited. No employer willing to pay average wages would be deprived of foreign labor by this amendment.

It is our hope that the Senate will see fit to add the remaining amendments of S. 1945 and, in particular, the average wage amendment during its consideration of the bill providing for the extension of Public Law 78.

Yours sincerely,  
ARTHUR GOLDBERG,  
Secretary of Labor.

Mr. PROXMIRE. Mr. President, I think one of the most shocking economic statistics I have seen—and it should be made available to everybody in America—is the average farm wage. We are not talking about the average wage in a factory, an automobile plant, or a steel mill, but the average farm wage, which is very low. In virtually every State it is less than \$1 an hour. In many States it is far less than that.

We are not asking in the McCarthy amendment for a high standard; we are talking about a wage which is barely enough to eke out an existence on.



In conclusion, I may say to the Senator from Minnesota, on the question of consultation with State authorities in this kind of situation, we must recognize that, while we have great faith in the Governors of our States, and they are wonderful men, they have an obligation to the producers in their States, and the people we are trying to protect, by and large, are not people who are citizens of those States. They are migratory workers. By definition, they do not live in the States where they work. Occasionally they do. They do not have a vote or any political influence in the State. They do not have an assemblyman or State senators or State representation at all. They do not have any kind of local representation. The Governor is not their Governor. They cannot vote for him.

That is why reliance on local officials has broken down, and why it is so important that the Congress and the administration act the conscience of the country, and look out for the welfare of all of our citizens, whether they are migratory workers or domiciled in the area where they work.

I ask unanimous consent, with the permission of the Senator from Minnesota, to have the supplemental views printed in the RECORD at this point, starting on page 7 and continuing to the top on page 10.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

SUPPLEMENTAL VIEWS

H.R. 2010 as amended by the Senate Agriculture Committee does Improve Public Law

We do not believe that anyone can accurately establish the extent of the need for this program under the existing practices. The Department of Labor authorizes Mexican nationals when a sufficient number of workers cannot be obtained at the prevailing wage in the area for the type of work. Where the prevailing wage is very low, the number of workers who are able and willing to work under those conditions is likely to be reduced. The most recent figures (June 1961) of the Department of Labor show several counties in which wages of 30 to 50 cents per hour have been found to prevail among domestic workers. These rates are in areas and for work in which Mexican nationals are likewise employed.

78 by prohibiting the use of Mexican nationals for employment in other than temporary or seasonal occupations or for employment in the operation and maintenance of power-driven machinery except in those cases in which prohibition would cause undue hardship.

Although these amendments improve the basic law, they will do little toward solving the economic, social, and moral problems raised by the operation of the Mexican farm labor program.

Migratory workers are among the most neglected and underprivileged groups in the American economy. Their wages are low, they suffer much from unemployment, they are not covered by unemployment compensation laws or by minimum wage laws, and they are generally denied the benefits of workmen's compensation laws. Because their work requires them to move from one area to another, they and their families do not have the advantage of services and facilities that normally go with stable membership in a community.

The basic difficulties of American migrants are intensified by the annual importation of 300,000 Mexican nationals under the Mexican farm labor program. The experience of 10 years of operation of the program has demonstrated that it does affect adversely wages, employment opportunities, and working conditions of domestic workers. This is the unqualified testimony of the Secretary of Labor, Mr. Goldberg, who has the responsibility for the administration of the program. He and the administration have supported extension of Public Law 78 on the condition that substantial reforms such as provided in S. 1945 are adopted. Secretary of Labor Mitchell last year opposed extension of Public Law 78 unless substantial reforms were approved.

Public Law 78 was enacted in 1951 at a time of labor shortage during the Korean conflict. It began as a temporary program,

The employer seeking additional employees at a time of labor shortage normally offers higher wages and better working conditions. Under Public Law 78 there is little incentive to do this.

We do not know what percentage of those who have left the farm labor force in the past 10 years would be willing to work in positions now filled by Mexican nationals if wages and working conditions were improved. As long as the present criteria are used to authorize the use of Mexican nationals, we cannot know the extent of the need.

The committee had before it a bill (S. 1945) which incorporated the recommendations of the Department of Labor and was supported

but it has been extended by Congress four times. During this period the farm labor force has declined, technological change in agriculture has continued at a rapid rate, and unemployment and underemployment have increased as rural problems. Yet at the same time the Mexican farm labor program has expanded greatly (table I).

TABLE I				
Year	Total number of Mexican nationals contracted, by year, 1951-60 <sup>1</sup>	Average number of workers employed on farms, United States, 1951-60 (in thousands) <sup>2</sup>		
		Farm operators and unpaid family workers	Hired workers	Total
1951-----	192,000	7,310	2,236	9,546
1952-----	197,100	7,005	2,144	9,149
1953-----	201,380	6,775	2,089	8,864
1954-----	309,033	6,579	2,060	8,639
1955-----	398,650	6,347	2,017	8,364
1956-----	445,197	5,899	1,921	7,820
1957-----	436,049	5,682	1,895	7,577
1958-----	432,857	5,570	1,955	7,525
1959-----	437,643	5,459	1,925	7,384
1960-----	315,846	5,249	1,869	7,118

<sup>1</sup> Administrative reports, Bureau of Employment Security.

<sup>2</sup> U.S. Department of Agriculture, Statistical Reporting Service, Farm Labor.

About 70 percent of the Mexican nationals are contracted for by growers in two States, Texas and California. Only five other States reported employment of more than 3,000 Mexican nationals at the time of peak employment of these workers in 1960. The average hourly wage paid domestic workers for work in which Mexican nationals are also employed indicates that the presumed shortage of labor has hardly been tested by the offer of premium rates (table II).

TABLE II.—Selected employment and wage data for major Mexican-using States, by State, in 1960

Major Mexican-using States <sup>1</sup>	Employment of Mexican nationals, 1960		Hourly wage rates paid U.S. workers in work in which Mexican nationals were employed		Average hourly farm wage rate without room or board, 1960 <sup>3</sup>	Major Mexican-using States <sup>1</sup>	Employment of Mexican nationals, 1960		Hourly wage rates paid U.S. workers in work in which Mexican nationals were employed		Average hourly farm wage rate without room or board, 1960 <sup>3</sup>
	Contracted <sup>2</sup>	Employed at peak	Lowest rate	Most common			Contracted <sup>2</sup>	Employed at peak	Lowest rate	Most common	
Texas-----	122,755	103,680	\$0.40	\$0.50	\$0.78	Montana-----	2,438	2,563	(4)	(4)	\$1.13
California-----	112,995	73,430	.75	1.00	1.23	Nebraska-----	2,255	2,310	\$0.85	\$0.85	1.10
Arkansas-----	27,413	31,296	.35	.50	.73	Georgia-----	(5)	1,264	(4)	(4)	.66
Arizona-----	19,324	14,312	.70	.70	.97	Wyoming-----	1,215	1,213	(4)	(4)	1.12
New Mexico-----	10,404	11,257	.60	.60	.85	Wisconsin-----	528	1,004	.80	1.00	1.09
Michigan-----	4,815	11,151	.75	.85 1.00	1.07	Tennessee-----	1,138	659	.50	.50	.63
Colorado-----	8,492	6,539	.65	.75	1.09	Indiana-----	65	612	.75	.80	1.06

<sup>1</sup> 500 or more Mexican nationals employed at peak. Other States with fewer than 500 are: Missouri, Utah, Oregon, Illinois, North Dakota, South Dakota, Kentucky, Iowa, Nevada, Minnesota, Washington, and Kansas.

<sup>2</sup> In addition to Mexican workers contracted at reception centers, 64,535 were recontracted or reassigned from one employer to another, sometimes in another State. For example, Michigan contracted 4,815 and recontracted 6,486 for a total of 11,301.

<sup>3</sup> U.S. Department of Agriculture. The U.S. average hourly farm wage rate without board and room, 1960, was 97 cents per hour.

<sup>4</sup> No hourly rates reported in 1960.

<sup>5</sup> All of the workers employed in Georgia were recontracted from other States.

Source: Bureau of Employment Security.

by the Secretary of Labor and the administration. It contained major provisions which were not adopted by the committee.

One of these provisions would have limited the use of Mexican nationals to employers who have made reasonable efforts to attract domestic workers at terms and conditions of employment reasonably comparable to those offered Mexican nationals. Under the international agreement between the United States Government and the Republic of Mexico, Mexican nationals coming to this country under contract are guaranteed transportation costs, employment on three-fourths of the workdays in the contract period, subsistence when underemployed, housing, medical care, and compensation for



injuries on the job, and health and accident insurance at reasonable cost. In addition, they are assured the wage rate that prevails among U.S. workers similarly employed and a minimum wage of 50 cents per hour. These are benefits not enjoyed by most domestic migratory workers.

S. 1945 also proposed a new test for adverse affect. Under terms of this provision, the employer would have been required to pay Mexican nationals no less than the average hourly farm wage in the State, or the national hourly farm wage average, whichever is the lesser. This would establish a clear, objective, and reasonable minimum base to assist the Secretary of Labor in determining whether Mexican nationals should be certified.

These two provisions should be adopted to provide very limited protection for American migrant workers. They are clearly consistent with the fundamental policy and intent of Congress as stated in section 503 of Public Law 78 which requires that the Secretary of Labor before approving the importation of Mexican nationals certify that there is a shortage of domestic workers and that "the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed."

The experience of the past 10 years has demonstrated that this intent has not been achieved. In large part the difficulty has resulted from the absence of a formula or of guidelines to determine when adverse effect has taken place. We do not believe Public Law 78 should be extended without providing the Secretary of Labor with additional directives necessary to protect domestic workers from such adverse effects.

EUGENE J. MCCARTHY.  
WILLIAM PROXMIRE.  
STEPHEN M. YOUNG.  
PHILIP A. HART.  
MAURINE B. NEUBERGER.

Mr. MCCARTHY. Mr. President, I should like to comment, and then yield to the Senator. The Senator has made an important point with regard to migratory farmworkers, both domestic and Mexican. In a report of the U.S. Department of Labor, dated July 11, 1961, reference is made to certain information about wages, and I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF LABOR,  
OFFICE OF THE SECRETARY,  
Washington, D.C., July 11, 1961.  
HON. EUGENE J. MCCARTHY,  
U.S. Senate,  
Washington, D.C.

DEAR SENATOR MCCARTHY: I am presenting herewith the information requested by your letter of June 30 with respect to areas in which Mexican nationals are being employed despite wage levels lower than 50 cents per hour among U.S. workers.

The areas and activities of Mexican employment in which a wage of less than 50 cents per hour has been found to prevail among domestic workers thus far in 1961 are as follows:

State, area, and activity	Date of wage finding	Prevailing wage rate
ARKANSAS		
Crittenden County: Cotton chopping-----	June 9	\$0.30
Mississippi County: Cotton chopping-----	do-----	.40
Phillips County: Cotton chopping-----	June 7	.30
TEXAS		
Lower Rio Grande Valley: All crops, hoeing-----	Apr. 27	.40-.45
Cucumber, picked-bulk-----	May 3	.45
Maverick County: Cauliflower, cut-pack in field-----	Feb. 14	.40

There may, of course, be other areas in which wages paid on a piece-rate basis are yielding less than 50 cents per hour to average U.S. workers.

I am also enclosing the full list of areas and activities of Mexican employment in which the prevailing wage rate among U.S. workers is 50 cents per hour or less.

With regard to your final question, we are unable to conclude that wages in the very low-wage Mexican-employing areas are showing marked improvement. So far this year 18 area wage surveys have revealed prevailing wage rates lower than on the comparable date a year ago. All but four of these wage declines were in States where the typical hourly rate is 50 cents or less. Furthermore, in three out of the six exceptionally low-wage areas listed above (including both of the 30-cents-per-hour areas) the latest wage finding represents a decline from the prevailing wage rate in the preceding year. In short, it appears that wage-depressive tendencies in areas using Mexican labor are strongest and most harmful in the areas in which wages are already exceptionally low.

Yours sincerely,  
ARTHUR J. GOLDBERG,  
Secretary of Labor.

Farm wage rates of 50 cents per hour or less in 1961 in activities employing Mexican contract workers by State and area <sup>1</sup>

State, area, and activity	Date of wage finding	Prevailing wage rate
ARKANSAS		
Craighead County: Cotton chopping-----	June 9	\$0.50
Crittenden County: Cotton chopping-----	do-----	1.30
Mississippi County: Cotton chopping-----	do-----	1.40
Phillips County: Cotton chopping-----	June 7	1.30
Poinsett County: Cotton chopping-----	June 19	.50
TENNESSEE		
Lake County multierop: Cotton and soybean chopping-----	June 6	.50
TEXAS		
Lower Rio Grande multierop: All crops, hoeing-----	Apr. 27	1.40-.45
Asparagus, cut-bulk-----	Mar. 10	.50
	Mar. 22	.50
	Apr. 7	.50
Cabbage, cut-bulk-----	Jan. 26	.50
	Feb. 9	.50
	Feb. 24	.50
	Mar. 10	.50

Footnote at end of table.

Farm wage rates of 50 cents per hour or less in 1961 in activities employing Mexican contract workers by State and area <sup>1</sup>—Con.

State, area, and activity	Date of wage finding	Prevailing wage rate
TEXAS—continued		
Lower Rio Grande—Continued		
Cauliflower, cut-bulk-----	Jan. 26	\$0.50
	Feb. 9	.50
	Feb. 24	.50
Celery, cut-pack in field-----	Feb. 9	.50
	Mar. 10	.50
Cucumber, picked-bulk-----	May 3	1.45
	May 17	.50
	May 31	.50
Lettuce:		
Cut-pack-load-----	Feb. 24	.50
Cut-pack-seal-load-----	Jan. 12	.50
	Jan. 26	.50
	Feb. 24	.50
	Mar. 10	.50
Onions, dry, pull only-----	Apr. 22	.50
	Apr. 7	.50
	Apr. 20	.50
Peppers, bell, cut-bulk-----	May 3	.50
Squash, bulk-----	May 17	.50
Maverick County multierop: All crops, hoeing-----	June 14	.50
Cauliflower:		
Cut-bulk-----	Jan. 17	.50
	Feb. 14	.50
Cut-pack-----	Jan. 17	.50
Cut-pack in field-----	Feb. 14	1.40
	Mar. 1	.50
Winter Garden multierop: All crops, hoeing-----	May 24	.50
Broccoli, cut-bulk-----	Feb. 21	.50
Cabbage, cut-pack in field-----	Jan. 10	.50
	Jan. 25	.50
	Mar. 29	.50
Cauliflower:		
Cnt-bulk-----	Jan. 25	.50
Cut-pack-----	Jan. 10	.50
Lettuce, cut-bulk-----	Mar. 29	.50
Onions, dry, pull only-----	Apr. 27	.50
	May 11	.50
Onions, dry (medium), pull only-----	Apr. 12	.50
Onions, green, pull-bulk-----	Feb. 21	.50

<sup>1</sup> Hourly wage rates paid Mexican nationals cannot be lower than 50 cents per hour.

Mr. MCCARTHY. Those were the prevailing wage rates in those counties when the spotchecks were made. There may, of course, have been other rates in other areas. There is no effort to say that these are the only areas involved. There may be other areas where the rate is 30 cents, 40 cents, or 50 cents an hour.

Another report bearing upon that subject is the Department of Agriculture report on the annual income of migratory farmworkers. For the year 1959, the latest available figures, the average wages earned were \$710 a year in farmwork. This was supplemented by \$201 from other sources. By putting the two together, the workers were averaging \$911 a year in income.

Mr. PROXMIRE. \$911 a year in net income?

Mr. MCCARTHY. Yes. Of that sum, \$710 was from migratory farmwork, and the work on the average was 119 days in agricultural labor. Additionally, there were 24 days of other work, which supplemented the income by \$201.

Mr. PROXMIRE. That compares with an average factory wage today in



America of nearly \$2.50 an hour, which results in an income of about \$5,000 a year.

Mr. McCARTHY. The Senator is correct.

Mr. PROXMIRE. In other words, the wage is five times as great for factory work as for the farm laborer the Senator from Minnesota is talking about.

Mr. McCARTHY. Yes.

Mr. PROXMIRE. Since the amendment of the Senator from Minnesota would use farm—not factory—wages as the standards, it seems to me it is a very modest proposal. We cannot say that these people really would join the American way of life economically, as we wish they could. It seems to me that the proposal is a wholly justifiable step to take. I am proud to have an opportunity to support it.

Mr. McCARTHY. Opponents are making the same arguments against raising wages for farmworkers as were made against raising wages for factory workers 50 years and 100 years ago. The arguments have no more validity now, in my judgment, either economically or ethically, with regard to the farmworkers of today than they had 100 years ago with respect to the factory workers of that time.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JORDAN. I am looking at a table on costs and returns from farmwork in all States. This is table 18, showing production, costs, and returns, for dairy-hog farms in the southeastern Minnesota operation.

The other table from Farm Labor gives information on what the farmers must pay for outside labor when they hire laborers without room and board. The rate is \$1.12 an hour.

The man who owns the farm, who does all the remainder of the work, gets a return of 40 cents an hour. I am worried more about the farmers in Minnesota than about the folks whom they hire.

Mr. McCARTHY. We are working on that problem by other means.

Mr. JORDAN. Are these farmers to be put out of business?

Mr. McCARTHY. No; they will not be put out of business. The Minnesota farmer is willing to pay his workers a just wage. The Minnesota farmer would rather do that and suffer some hardship himself than to profit as a result of exploitation of workers.

I think those statistics indicate that the people of Minnesota are highly moral and responsible.

Mr. JORDAN. I suppose it is necessary not only for the farmer to work, but also for his wife to work, and to work at night, so that he can pay \$1.12 an hour to hire a laborer in the daytime.

I have before me a table showing the wages paid to workers who work for farmers in Wisconsin on dairy farms. This is for eastern Wisconsin, and shows production, costs, and returns. The return is only 23 cents an hour for the owner of the farm. I am beginning to worry about the farmers in Wisconsin.

Mr. PROXMIRE. I have been concerned about the income of our Wisconsin farmers for a long time. I am delighted to have the Senator from North Carolina join me. This situation is disgraceful.

As the Senator from North Carolina points out, the farmers own their farms. They have made investments in their farms. They have taken great risks as a result of their investments. They have increased their efficiency greatly. They work long hours.

Yet this is the kind of reward and return the Wisconsin farmers are getting. It is a disgrace. However, I cannot see that it would be a justification for hammering down the wages of migratory workers.

The fact is that on most Wisconsin dairy farms there are no hired men. Farmers cannot afford them. They do not have hired men. The work is done by the farmer, his wife, and his children.

I believe the figure which the Senator from North Carolina read includes the work done on the farm by the farm family.

There is no question that the return is too low.

Mr. JORDAN. The table also shows that the people the farmer hired, without board or room, received \$1.12 an hour. The man who owned the farm received only 23 cents an hour.

I think we ought to worry a little more about the one who owns the farm, who hires the other man. Otherwise, before long he will not be able to hire anyone.

Mr. PROXMIRE. What happens on most of Wisconsin farms is that there are no hired laborers. The farmers do not have hired help.

There are a few farms where the farmers have incomes much higher. These farms have the best land, the biggest herds, the latest equipment, and so forth. On those farms the owners are able to hire a man, or two, or perhaps even three. On those farms the owner has a far better return. Of course, it can afford to pay far more for a hired man.

That is the peculiarity with reference to the statistics. One will not find very many people actually receiving 23 cents an hour return who have any hired men working for them.

Mr. JORDAN. It is a peculiarity of statistics to note what has been stated by the Senator from Minnesota about a rate of 30 cents an hour being paid in many places. That is not an average, because regular wages at that rate are not paid. If that were the wage rate, there would be no one who would work at all.

I would advise the farmers to sell out and to go to work for the man to whom they sold the farm. If I were an owner and making 23 cents an hour and hiring some fellow at \$1.12 an hour, I would join him, after selling the farm.

Mr. McCARTHY. Mr. President, since this point has been raised, I believe it might be helpful to the farmers in Wisconsin if they did not have to compete

with some large commercial farms which do use and exploit farm labor.

Another point should be made. This program is not one of general benefit to the farmers of the United States. In 1959 the Mexican nationals were used on about 50,000 farms, less than 2 percent of the farms of the Nation. In fact, about half of the U.S. farms use no hired labor at all.

In 1954 only 5 percent of the farms reported an annual wage bill of \$2,000 or more. This 5 percent accounted for more than 70 percent of all the expenditures for hired farm labor that year. The Department of Labor reports, preliminary releases from the 1959 Census of Agriculture, show that these percentages remain about the same.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. KEATING. Mr. President, I wish to express my support for the amendment offered by the distinguished Senator from Minnesota.

I ask the Senator if it is not a fact that the previous Secretary of Labor, Mr. Mitchell, recommended at least as much protection as would be afforded by the amendment offered by the Senator from Minnesota?

Mr. McCARTHY. Yes. I think that is an accurate statement. I could not say that the previous administration recommended protection in quite the same form in which I propose it, but the total pattern of recommendation I think would have had at least the same effect—slightly different, but certainly a comparable effect.

Mr. KEATING. I invite attention to this, particularly in order that my colleagues on this side of the aisle who will read the RECORD will be aware of the fact that the previous administration, as well as the present administration, recommended the adoption, in substance, of the amendment offered by the Senator from Minnesota. I also point out that the present administration recommends adoption of the amendment which I offer, which is correlative and relates to American laborers on farms which employ Mexicans.

Mr. President, since I understand that the committee, or a majority of the committee, will also oppose the amendment which I intend to offer, and since we are acting under a rather unusual parliamentary situation with only a few of us here listening to these arguments with a vote to be taken at some future date, if the Senator from Minnesota has concluded, it might be an appropriate time for me to seek recognition for the purpose of explaining the amendment which I shall offer. This amendment will, I assume, be voted upon on Monday, following the vote on the amendment offered by the Senator from Minnesota.

Mr. McCARTHY. The Senator from New York has made a pertinent point.

Before yielding the floor, I ask unanimous consent that there be printed at this point in the RECORD two additional



tables which are pertinent to the Mexican farm labor program.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

Major Mexican-using States <sup>1</sup>	Employment of Mexican nationals, 1960	
	Contracted <sup>2</sup>	Employed at peak
Texas.....	122,755	103,680
California.....	112,995	73,430
Arkansas.....	27,413	31,296
Arizona.....	19,324	14,312
New Mexico.....	10,404	11,257
Michigan.....	4,815	11,151
Colorado.....	8,492	6,539
Montana.....	2,438	2,563
Nebraska.....	2,255	2,310
Georgia.....	( <sup>3</sup> )	1,264
Wyoming.....	1,215	1,213
Wisconsin.....	528	1,004
Tennessee.....	1,138	659
Indiana.....	65	612

<sup>1</sup> 500 or more Mexican nationals employed at peak. Other States with fewer than 500 are: Missouri, Utah, Oregon, Illinois, North Dakota, South Dakota, Kentucky, Iowa, Nevada, Minnesota, Washington, and Kansas.

<sup>2</sup> In addition to Mexican workers contracted at reception centers, 64,535 were recontracted or reassigned from one employer to another, sometimes in another State. For example, Michigan contracted 4,815 and recontracted 6,486 for a total of 11,301.

Source: Bureau of Employment Security.

TABLE II.—Selected wage data for major Mexican-using States, by State, in 1960

Major Mexican-using States <sup>1</sup>	Hourly wages paid U.S. workers in work in which Mexican nationals were employed		Average hourly farm wage rate without board or room, 1960
	Lowest rate	Most common	
Texas.....	\$0.40	\$0.50	\$0.78
California.....	.75	1.00	1.23
Arkansas.....	.35	.50	.73
Arizona.....	.70	.70	.97
New Mexico.....	.60	.60	.85
Michigan.....	.75	{ .85 1.00 }	1.07
Colorado.....	.65	.75	1.09
Montana.....	( <sup>2</sup> )	( <sup>2</sup> )	1.13
Nebraska.....	.85	.85	1.10
Georgia.....	( <sup>2</sup> )	( <sup>2</sup> )	.66
Wyoming.....	( <sup>2</sup> )	( <sup>2</sup> )	1.12
Wisconsin.....	.80	1.00	1.09
Tennessee.....	.50	.50	.63
Indiana.....	.75	.80	1.06

<sup>1</sup> U.S. Department of Agriculture. The U.S. average hourly farm wage rate without board and room, 1960, was 97 cents per hour.

<sup>2</sup> No hourly rates reported in 1960.

Source: Bureau of Employment Security.

Mr. KEATING. Mr. President, I think the suggestion made by the Senator from Minnesota and the request he made to have printed in the RECORD certain charts and graphs is a very desirable request, because we are speaking mostly for the RECORD under the situation which presently exists. However, I will say to my friend from Minnesota that we do not have as much of a vacuum as I have sometimes encountered in this Chamber. I am not alone tonight. I appreciate the close attention which is being paid by Senators who are present.

I should like to discuss briefly my amendment, which is designated "8-29-61—A."

Mr. President, I ask unanimous consent that the text of the amendment appear at this point in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment of Senator KEATING is as follows:

On page 2, line 7, after the term "working conditions", add the words "and other terms and conditions of employment".

On page 2, line 8, after the term "foreign workers", add the following:

"For the purposes of this section the term 'other terms and conditions of employment' comparable to those offered foreign workers' includes only—

"workmen's compensation or insurance against occupational hazards reasonably comparable to those afforded Mexican workers;

"guarantee of the opportunity to work during at least three-quarters of the workdays in the agreed term of employment;

"provision of basic subsistence when the opportunity to work is not available for extended periods;

"provision of transportation (for the worker only) from place of recruitment and return, or provision of reimbursement for such cost, in the ratio that the number of weeks worked bears to the total agreed term of employment and not to exceed a maximum of \$3 per week of employment."

Mr. KEATING. The amendment is similar to a bill which I introduced this year (S. 1466) and to an amendment which I suggested last year when Public Law 78 was extended for 6 months.

Very frankly, former Secretary of Labor Mitchell had talked to me about this subject, and it was with his assistance and cooperation that the amendment was discussed last year.

This amendment requires that before Mexican workers can be employed, efforts must be made to attract domestic workers by offering them conditions of employment comparable to those offered Mexicans. The amendment is specifically limited to transportation, subsistence payments when work is unavailable, insurance, and work guarantees. The law already requires that comparable wages be offered domestic workers.

In answer to a point made in connection with the discussion of the McCarthy amendment, let me say that my amendment would in no way place in the hands of the Secretary of Labor any opportunity to fix wages or conditions for American farmworkers except on farms where Mexicans are employed. Offering comparable conditions of employment to domestic workers before Mexican workers, who possess these benefits, are hired seems to me a matter of elemental justice.

The offer of such benefits should increase the number of domestic workers willing and able to accept farm employment. If these benefits are not offered, we have no means of judging the size of the true labor shortage on the basis of which Mexican workers are admitted to the United States.

Section 2 of H.R. 2010 as reported out by the Senate committee adds the requirement that Mexican workers shall be made available only after efforts to attract domestic workers have been made by providing "working conditions" comparable to those offered to foreign workers.

This might sound all right on its face, and it might indicate that there is no need for the amendment which I propose. But in its report accompanying

this legislation, the committee indicated that the term "working conditions" refers to physical conditions, and that it does not include "other terms and conditions of employment" such as transportation, subsistence, insurance, and work guarantees, which my amendment would include. In defining these "other terms and conditions" my amendment calls for specific items which are set forth in the amendment, beginning at line 9 of the first page.

The amendment does not require that precisely the same terms and conditions be offered as are extended to Mexicans. It is contemplated that there would be some recognition of the differences between the situation of the domestic workers and foreign workers. For example, where employees have their own homes in the area of employment, it would not be reasonable to require the employer to offer free transportation to domestic workers. Under the amendment, however, an employer could be required to offer workmen's compensation or on-the-job insurance to the domestic worker, just as he offers it to the Mexican worker.

When Public Law 78 was being considered on the floor of the Senate in the twilight hours of the 86th Congress, I stated my position that there should be no further extension of the law unless it is amended to provide that growers who use Mexican labor be required to offer domestic workers benefits and conditions of employment similar to those they must by law offer and actually provide Mexican labor.

My position has not changed. To me, it is inconceivable that we treat foreign workers better than we treat our own domestic farmworkers. I fail to understand how growers can claim that domestic labor is not available to do the job if they do not, first, make sincere attempts to recruit U.S. workers. By sincere attempts, I mean actually finding out what incentives would attract U.S. workers and basing recruitment efforts on the results of these findings. The availability of a vast potential labor supply south of the border has reduced competition for domestic workers in labor shortage areas and has caused many growers to make only token recruitment efforts.

Growers are presently required to furnish transportation for Mexican nationals to and from reception centers. Mexican nationals are guaranteed the opportunity to work at least three-fourths of the work days in the contract period, which usually has a minimum of 6 weeks. If Mexican workers are offered employment for less than 64 hours in any 2-week period, they are entitled to subsistence during idle days at the employer's expense.

Mexicans must be provided with free housing. Because of the complication of computing housing costs and conditions and because the Mexicans who come into the United States under Public Law 78 are single men, I have specifically excluded this requirement from my amendment.

Employers of Mexicans are required to pay insurance against occupational injuries and to pay for the workers' subsist-



ence during days of illness or injury. California State law now requires this for domestic workers. Employers must also carry occupational health insurance for Mexican workers, but the cost of this item is paid by deductions from wages.

In sum, my amendment is a compromise in that it excludes housing and health insurance, in that it limits the definition of "other terms and conditions" to those stated above and in that it places what is certainly a reasonable \$3 maximum per week on the transportation costs paid by employers of domestic workers who also employ Mexicans.

Mr. President, Public Law 78 was initially adopted as a temporary program under emergency Korean war labor shortage conditions. I urge the adoption of my amendment, for without it, I think Public Law 78 has outlived its usefulness and should be permitted to expire.

With unemployment increasing, there is simply no justification for permitting the steady rise of Mexican workers to take jobs which should be made available, at least on an equal basis, to American workers. My amendment would see to it that a true labor shortage was the basis for admitting foreign workers and not the unwillingness of employers to make reasonable job offers to Americans.

I want to add one point. In addition to the fundamental fairness of treating domestic workers as well as we treat Mexican workers, there is another factor, which should be important to some. Unless we limit the number of Mexicans to a reasonable amount, production in some States, which therefore have very low wage rates, places real pressure on producers in States, such as New York, which pay more reasonable and fairer wages to domestic workers and to workers brought in from outside.

The competitive argument should be very important to Senators from States which have taken steps to improve conditions for migrant farm workers.

I shall try to condense these remarks into a capsule form on Monday when we reach the limited time area. I yield the floor.

Mr. TOWER. Mr. President, getting to the heart of this matter, if the McCarthy and Keating amendments are adopted, they will have a devastating effect on the bracero program. According to the largest farm organization in my State, it would have the effect of drastically curtailing the bracero program, perhaps even killing it outright. I believe we should consider the consequences of killing the bracero program. There is no question that it would be harmful to the economy of my State and, indeed, to the economy of all southwestern States.

However, there is another aspect which has not been mentioned this evening, but which was brought out in committee testimony by the distinguished Senator from Arkansas [Mr. FULBRIGHT], chairman of the Foreign Relations Committee. He sees an aspect in this program that perhaps we have not seen. I should like to quote from his testimony. He testified:

The Mexican labor program is equipped with safeguards for everyone involved—the worker, his employer and the domestic la-

borer whose livelihood could be endangered by unregulated importation of Mexican nationals. Farmers pay all the expenses incurred in the operation of this program through payments to the farm labor supply revolving fund from which the Department of Labor is then reimbursed for its expenses. In addition to the fees paid by the farmers for the Department of Labor's cost in operating the fund, the farmer pays the cost of transporting the worker from the migratory station to the place of employment and then back again. In 1960, the Phillips County Farmers Association in my State found that the cost for this transportation was \$47.32 per worker. Regulations backed up by strict enforcement insure that the Mexican laborers are paid fair wages and are furnished with adequate housing while they are in this country. The wages which the braceros earn in the United States not only provide a living for the laborers and their families but also furnish the Republic of Mexico with its second most important source of American dollars. Our continuing favorable balance of trade with Mexico indicates the importance to American business of maintaining this program. Mexico is one of our most important customers and in 1960 our exports to that country were \$807 million compared to imports of \$443 million.

Statutory provisions give full protection to domestic workers and protect their jobs from possible competition from Mexican laborers. Before a farmer can obtain Mexican laborers, certification must be made by the Department of Labor that an adequate supply of domestic workers is not available. I do not mean to imply that there is always full employment in areas where Mexican laborers are used, since it often happens that domestic workers will not do the type of work required. If our farmers could get sufficient domestic laborers at the time they are needed and at wages which the farmer could afford to pay, I am sure they would be happy to do so. The Mexican labor program is in reality a program of necessity.

I should like to associate myself with the remarks of the distinguished Senator from Arkansas. It points up a very important aspect of this whole subject, the necessity of not shutting off the flow of dollars into Mexico, so that it may continue to trade with us. As the Senator notes, we have a very favorable balance of trade with the Republic of Mexico.

A great many misconceptions about this program could be summed up by a paragraph from an editorial published in the Evening Monitor, published in McAllen, Tex., on August 26:

The bracero is no bargain worker. He must be recruited, transported, insured, housed, fed and returned. He is brought "hog round," as the cotton men say. That is, sight unseen, ungraded, unknown. He may never have seen a boll of cotton. He may have arthritis, or the sleeping sickness. But you "rent" 50 of them from the Mexican Government and you take the first 50 out of the chute.

This says very succinctly and effectively what should be understood, that is, that wages are not the sole cost of the bracero worker. There is also transportation, insurance, housing, and feeding. We can understand the concern of the southwestern farmer for this program and its future, when we note the cost involved.

These amendments represent a further intrusion of the Department of Labor in affairs in which the Department of Labor should not be involved. The program in reality should be administered

by the Department of Agriculture, not by the Department of Labor. We seem to be bestowing a great many powers on the Secretary of Labor these days.

We are going to give him power to go into a conflict with the farmers at the very administrative level in the Department of Labor. In the Committee on Labor and Public Welfare, we are going to give him more specific power with respect to supervising pension disclosure, and all that sort of thing. Pretty soon we will be able to abolish the Presidency and let the Department of Labor take over and run the country.

I do not believe that the Department of Labor can be said to have a proagriculture orientation.

This has never been true. It is not true now. We are placing the farmer at the mercy of a Department which is not cognizant of his problem, a Department which is not familiar with his problems, and is not necessarily in sympathy with him.

The enactment of the proposed amendment would plunge the Department of Labor at every level of administration into constant conflict and controversy with farmers, since every decision would be a question of judgment as applied to the particular circumstances.

Whether or not the local official of the Department in a particular area was lenient or autocratic, cooperative or dictatorial, would be a matter of major significance to the farmers in an area.

No farmer would know where he stood, what would be required of him, until some official of the Department told him, and when he was so told that would be the law so far as he was concerned.

It is one thing for people to be required to comply with a law which they can read and understand. It is quite another thing for people to be required to do what a Government official tells them to do. The difference is basic—the difference between freedom and totalitarianism.

This would be in exaggerated form the substitution of government by man for government by law.

We believe there is a further consideration that should be given weight in this connection. If the Congress decides that certain requirements are to be imposed on the employment of workers by farmers, this should be done by statutory provision applicable to all such employment, rather than by a delegation of authority to the Secretary of Labor to impose in his discretion such requirements on a few farmers who happen to employ Mexican braceros.

The Senator from Minnesota has also indicated his intention to amend the bill to provide that braceros must be paid wages at least equivalent to 90 percent of the State average farm wage or 90 percent of the national farm wage, whichever is the lesser.

State and National average farm wages are an average of wages paid to a work force ranging from the highly skilled and experienced to the unskilled and inexperienced. Averages include such skilled workers as dairy herdsmen and milkers, machine operators and repairmen. They include many full-time farmworkers whose abilities and re-



sponsibilities may equal and even exceed those of the farmer himself.

To use such averages as a criteria to which workers engaged primarily in routine harvest and cultural operations should be raised is an inequitable burden to place on farmers.

We do not believe the present upward trend in farm wages can be disregarded in this connection. Since 1950, farm wages have increased 46 percent in contrast to the trend in farm incomes. Farm wages are increasing in all areas. They are continuing to increase. We expect they will continue to increase in the years ahead without any stimulant from Government action. The restrictions on the employment of braceros provided for in the bill reported by the Senate Agriculture Committee will operate to force farm wages upward.

I quote from the case of *Tigner v. State of Texas* (318 U.S. 141), in the Supreme Court of the United States, in which the Court said:

An impressive legislative movement bears witness to general acceptance of the view that the differences between agriculture and industry call for differentiation in the formulation of public policy.

I urge the defeat of the two amendments proposed to the extension of Public Law 78.

#### THE IMPORTANCE OF BASIC RESEARCH—DEFENSE DEPARTMENT STILL LAGS IN SUPPORTING LONG-RANGE QUEST FOR KNOWLEDGE

Mr. HUMPHREY. Mr. President, I invite the attention of Senators to certain information which I believe is of importance to this body.

The United States still has a long way to go in order to assure success in surpassing the Soviet Union's long-range scientific objectives.

Thanks to the leadership of President Kennedy, a great many sound steps have been taken to assure U.S. leadership in the immediate, short-range scientific and technological contest.

But in the long run, in the upcoming decades of the 1970's and the 1980's, the race will be won on the basis—not of the dramatic gadgets of the 1960's—but through the long-range science education and the basic research—with which we build for tomorrow.

#### STUDY BY GOVERNMENT OPERATIONS SUBCOMMITTEE

It is for this reason that for some months, I have been exploring, as chairman of the Senate Government Operations Subcommittee on Reorganization and International Organizations, the issue of Federal support of basic research.

My view has been and remains that this Nation has been "penny wise and pound foolish" in starving basic research.

Facts have been compiled on this subject in great depth, particularly as regards the Department of Defense.

The subcommittee has enjoyed splendid cooperation from Dr. Harold Brown, Director, Office of Defense Research and Engineering, who testified at our subcommittee hearing on July 26, and in

particular from Dr. Orr Reynolds and the Office of Science.

#### DEPARTMENT OF DEFENSE REPLY OF SEPTEMBER 1

I have now received a comprehensive reply from Dr. Brown to a series of supplementary questions which I had directed to the Department. The reply is very valuable for anyone seeking an understanding of the problems of science in our Nation. It contains information never before generally released. As a matter of fact, in some instances, it contains data which have never before even been compiled. This has been due partly to the fact that the respective armed services have tended to utilize differing definitions and systems of reporting on basic research. Even now, considerable progress is still to be made to standardize armed service reporting, so as to make sure that the figures which are given are really comparable. We must not add apples and potatoes and call them oranges.

#### POLICY STATEMENT EXPECTED FROM SECRETARY M'NAMARA

Most important, I am expecting to receive shortly a policy statement on the part of Secretary of Defense Robert McNamara as to future DOD support of basic research. From what I understand of the Secretary's enlightened attitude, unlike one of his predecessors, Mr. Charles E. Wilson, the study of a fundamental question such as "Why plants are green" far from being dismissed as unimportant, is now regarded as highly significant for the Nation's scientific future.

Mr. Wilson had said "basic research" is being done "when you do not know what you are doing."

But the fact is that many, if not most, of the greatest discoveries in history have been made when men did not know what they were doing.

As I stated to the Senate on August 3, to underestimate or misunderstand the value of basic research is the height of folly; it could lead to national suicide as well.

The situation as regards basic research is not a dramatic one. It is not one which is likely to get into the Nation's headlines. Yet it is one which goes to the very heart of the issue as to whether this Nation will endure.

#### UNANIMOUS APPROVAL OF PREVIOUS STATEMENT

In order to sound out additional authoritative judgment, my statement of August 3 was circulated to a number of leading scientists, including many distinguished members of the esteemed National Academy of Sciences-National Research Council. I am gratified to report that I have received an enthusiastic and unanimously favorable reaction.

I ask unanimous consent that the excerpts from several of their messages be printed at this point in the RECORD.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

#### EXCERPTS FROM COMMENTS BY SCIENTIFIC LEADERS ON SENATOR HUBERT H. HUMPHREY'S STATEMENT OF AUGUST 3, 1961, ON BASIC RESEARCH

A scientist associated with the National Academy of Sciences, National Research

Council, Washington, D.C.: "I agree with every comment you have made and congratulate you for your effort in increasing the funding for this essential activity.

"In view of the pressing demand for hardware on the part of the operating and field personnel, there is always the tendency to divert funds from basic work to applied research and development. This is true even though most engineers and scientists recognize that development proceeds faster and more economically the greater the attention to basic and fundamental research.

"Your campaign is especially important at the moment when the U.S. Chamber of Commerce has a research committee represented by several of the prominent scientists and technologists of the country. This committee has actually made the preliminary recommendation that no Government agency should be allowed to do inhouse basic research. If such a procedure is encouraged it would wreck the work of most of the defense laboratories as well as many other Government institutions such as the Bureau of Standards. The chamber is not opposing basic research but apparently has the mistaken idea that such work should be conducted exclusively by the universities through governmental financing.

"Actually in the interest of public welfare basic research should be encouraged and conducted wherever the talent exists for creative work, whether this be in a university, a private foundation, or a Government institution.

"Your efforts on behalf of basic research are deeply appreciated by scientists who understand the significance of such development and what it means to the economic welfare and security of the Nation."

A scientist at Rice University, Houston, Tex.: "May I congratulate you on your vigorous support of basic research within the Defense Department appropriation. As a member of (a Defense Department advisory group), I have tried to do what I could to support increases in basic research support by the Defense Department. As you have said very effectively, the Defense Department has the prestige, the size of general appropriation, and the overall point of view to carry the case for a larger basic research appropriation if it would present the case effectively. It is clear that Dr. Brown agrees with this point of view, and I hope that he will be effective in the years ahead in obtaining Defense Department action in this direction."

A professor at the College of Agriculture, University of Wisconsin, Madison, Wis.: "Congratulations on your stand in relation to the importance of basic research. It is from this source that the important breakthroughs are most likely to come. One of the greatest handicaps in research, particularly in applied research, is that men are concerned too much with the soiled dishes of yesterday and not enough on tomorrow's ideas."

An authority on the role of State agricultural experimentation station, New Haven, Conn.: "You mentioned under the head, 'The Price of Neglect in Prior Years,' that the country is going to pay the price for not doing basic research earlier. You might, therefore, be interested in my appraisal of this, quoting the Broadway show, 'The Music Man,' which makes such a devastating criticism of a salesman, he doesn't know the territory. Our rocketeers are certainly devastated with criticism right now because 10 years ago they didn't know the territory.' I go further to say that we in agricultural science do not want to have it said of us that in 1961 we did not know the territory.

"More power to you in your efforts to explain to your colleagues the nature of basic research and the need for it.



That letter is very revealing not only from the standpoint of a student who spent a year in this country learning the blessings of liberty but also from the perspective of a young man living in Berlin and experiencing those crises which confront East and West Berlin today.

I ask unanimous consent that the text of the letter from Volker Claus which was published in the Lexington Clipper be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

GERMAN EXCHANGE STUDENT WRITES OF BERLIN CRISIS—LETTER TO DR. P. BRYANT OLSSON FAMILY TELLS OF CONDITIONS IN BERLIN

The following interesting letter was received here last week by the Dr. P. Bryant Olsson family from Volker Claus, a Berlin student who made his home with the Olssons while he attended his senior year in Lexington High School:

BERLIN, August 13.

DEAR OLSSON FAMILY: Tuesday, I guess, I received Mom's letter, for which I would like to thank you very much, and now I am going to answer it at once. As you probably will have read already in the newspapers, terror has begun to reign in East Berlin and East Germany, and just today we all begin to feel the tension, which has been mounting for quite some time.

A month ago the stream of fugitives had increased day by day. You will remember that I told you that about 700 fugitives came to West Berlin daily. Just yesterday came 2,700 and this stream will probably go on, we thought. But just today, the Communists have closed the border between East and West Berlin, in order to stop the people of the zone to flee. They have broken all of the treaties made in 1945 and we have to hear about shootings on the border. Today, my oldest brother and I tried to go to the East sector to take some pictures at Brandenburg gate. We just saw about 100 soldiers with machineguns, armored cars and tanks behind them.

Streets and the public traffic are interrupted and East German soldiers have begun today to lay barbed wire along the sector-border. Just now I heard that only about 800 fugitives could reach West Berlin by swimming through lakes and rivers or going over rubble fields. Perhaps it isn't right to tell you all this in a personal letter like this is, but it is just so terrible, that I would like to send letters to all the world telling about this injustice.

I guess we all in East and West, change between indignation and despair. East German can't even go to East Berlin. This is the first time in history that a regime would not allow its people to go to the capital of the state. Actually, that is a joke, but the situation just doesn't allow laughing since 16 millions of Germans have been put in a Communist cage, which reminds us of the Nazis.

But we just can't do anything against this brutal rupture of our city. I guess I can't really tell you how we all feel. Please tell all of this to as many people as possible."

VOLKER.

The remainder of the letter was purely personal, and it closed with "Hoping to see you soon."

#### MEXICAN FARM LABOR PROGRAM

The Senate resumed the consideration of the bill H.R. 2010 to amend title V of the Agricultural Act of 1949, and for other purposes.

Mr. JORDAN. Mr. President, I wish to discuss the McCarthy amendment.

This amendment would establish a minimum wage for Mexican workers recruited under the act equal to the lower of first, 90 percent of the average farm wage for the State of employment, or second, 90 percent of the national farm wage average.

In determining such average farm wages the Secretary would consider, among other relevant factors, average farm wage rates for workers who do not receive board and room.

This would provide for an automatically self-escalating minimum wage, since any increase in the amounts paid to the Mexican workers would result in increases in the State and national average wages.

The criteria used are not reasonable ones. The Mexican workers are employed largely at stoop labor, the jobs which are least desirable and for which domestic employees cannot be obtained. The use of Mexicans for the higher paid jobs of operating or maintaining power-driven machinery would be prohibited by the bill. The Mexicans are, therefore, employed in the least skilled and least remunerative jobs in agriculture. Any average which includes the most skilled and most highly paid jobs in agriculture is not a fair criterion of what the wages should be for the lowest paid jobs.

The Mexican workers are to be provided with free housing under the terms of the agreement with Mexico. The wages paid workers who are not furnished housing would, therefore, not be a reasonable measure of what ought to be paid the Mexicans. Of course, in taking into consideration the wages paid without room and board, the Secretary might, and should be, expected to make some adjustment for housing, but the amendment does not so specify, nor does it suggest how such adjustment should be made. The criteria which would be established by the amendment are very indefinite and leave very great discretion with the Secretary as to what the measure will be.

At present a reasonable criterion is established by the agreement with Mexico. That requires the Mexican to be paid not less than the prevailing wage rate paid to domestic workers for similar work at the time the work is performed and in the manner paid within the area of employment. This ties the Mexican wage to the prevailing wage for similar employment, at the time and in the area of employment. There is no reason to superimpose upon this any requirement that he be paid at a rate fixed on the basis of wages paid for more skilled jobs in other places. That is what the amendment would do, and it does not appear to be a reasonable objective.

The amendment also strikes out a provision of the committee amendment which would require an employer of Mexicans to pay his domestic workers not less than the prevailing wages for similar work in the area of employment. The testimony before the committee was that some employers of Mexican workers were discriminating against domestic

employees. By requiring employers to pay their domestic workers at least as much as they are required to pay their Mexican workers, the committee amendment was designed to provide additional protection for the domestic workers and prevent such discrimination. They are already protected in many ways by various provisions of the existing law. However, the committee felt that this additional provision might close a small loophole, and there is no good reason why it should be stricken.

I wish now to discuss the Keating amendment.

This amendment would prohibit Mexican workers from being made available in any area unless employers had offered domestic workers, first, workmen's compensation or occupational hazard insurance reasonably comparable to that afforded Mexican workers; second, a guarantee of work during at least three quarters of the workdays during the agreed term of employment; third, basic subsistence when work is not available for extended periods; and fourth, transportation costs.

This amendment fails to take into account some of the basic differences between domestic employment and the employment of Mexican nationals. The Mexican farm labor program is designed to provide a supplementary labor force in times of peak labor needs when a sufficient supply of domestic workers is not available. No Mexican workers can be brought in under the program unless the Secretary of Agriculture finds that they are needed. No Mexican workers can be made available in any area under existing law unless the Secretary of Labor finds that there are insufficient domestic workers. No Mexican worker can be made available under existing law if the Secretary of Labor finds that the employment of Mexicans will adversely affect the wages and working conditions of domestic workers. The Secretary of Labor must make an affirmative finding and certification that such will not be the case.

Once all these determinations and certifications are made, the Mexican worker must be recruited in Mexico and brought to this country. He cannot cross the border to come up to seek work by his own act. When he is brought up, it is for definite needed work to be performed within a reasonably ascertainable time.

The domestic worker on the other hand may be a resident of the area of employment, a student, or a migrant worker who moves with the crop. He may be alone or with his family. He needs no entry permit and is not required to leave the country. He is free to take nonagricultural employment and to leave one employer for another, or not to work at all, without then being required to leave the area.

The States have considered the application of workmen's compensation laws to agricultural workers and have made differing provision therefor or exemption therefrom. The Senate recently gave consideration to a provision for absolute liability with respect to certain agricul-



tural workers when it considered S. 1123, but abandoned that provision in view of the problems involved. On the other hand disability insurance provided by State law may not be appropriate to the Mexican national and it is likely that an amendment will be offered to exempt him from State disability insurance provisions applicable to domestic workers. Workmen's compensation and disability insurance for domestic workers who may be employed in either agricultural or nonagricultural employment at different times should be left to the States.

The agreed term of employment for a domestic worker may start when he shows up for work at the beginning of the day and end when he decides to leave, or at the end of the day, or it may be fixed in any manner that the employer and employee may agree upon. Terms as to a guaranteed number of workdays and provision for subsistence that fit into the standard work contract for a Mexican worker brought from Mexico to Michigan may not fit into an agreement with the worker who is temporarily laid off from industrial employment and seeks agricultural work only until he can get his job back.

Likewise provision for transportation for the Mexican worker brought up from Mexico with a number of other male workers does not involve the same problems as transportation provisions for domestic workers who may be from near or far, may be traveling with their families, or others, and may switch to non-agricultural employment at any time.

The domestic worker is already given the fullest protection possible. The Secretary of Labor must find that the employment of Mexicans will not adversely affect his wages or working conditions. The addition of fringe benefits such as insurance, guaranteed workdays, subsistence, and transportation benefits cannot make the Secretary's determination any easier, but can only serve to make the problem more difficult. It will not necessarily increase the worker's total compensation, but may result in his receiving less wages in the form he wants them and more fringe benefits of a kind which he may never realize and which may not be appropriate to his needs.

This amendment attempts to obtain fringe benefits for domestic workers based on the needs of Mexican workers. Such benefits are not likely to attract more workers than would be attracted by higher cash wages. If such fringe benefits must be provided during the peak employment periods when Mexicans are employed, will they be eliminated when Mexicans are not employed, or will they be frozen into the employment system? If so, who is most likely to pay for these benefits, the employer or the employee? There is nothing at all in this amendment that requires the domestic worker's total compensation, including these fringe benefits, to be increased above what his total compensation might otherwise be. If we should at any time decide to impose upon agriculture, by legislation, terms and conditions of employment, regulating the term of employment, the number of workdays to be worked, provision for basic subsis-

tence, and carfare, let us do so on the basis of the domestic worker's needs, rather than upon what may be comparable to what someone else may need. And let us at that time examine carefully the price the worker must pay for these legislatively imposed terms of employment.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement by the Senator from Arkansas [Mr. FULBRIGHT], chairman of the Committee on Foreign Relations. He could not be present, and he requested me to place this statement in the RECORD for him.

As Senators well know, he is chairman of the Committee on Foreign Relations. He is greatly interested in our dealings, not only with Mexico, but with all our neighbors around the world. He has attached to this statement a document entitled "The Value of the Bracero Program to Mexico," by Dr. Richard H. Hancock, which shows that the income of the Mexican braceros who work in the United States amounts to the third largest item of income for Mexico. It amounts to \$120 million a year, which income is exceeded only by that from tourism and cotton exports. We export to Mexico a great deal more than we import from Mexico. It is the view of the Senator from Arkansas—and I go along with his views—that the bracero program is a good public relations program with our sister country of Mexico.

I ask unanimous consent that the statement of the Senator from Arkansas and the attached statement be printed in the RECORD at this point.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR J. W. FULBRIGHT ON  
H.R. 2010, A BILL TO EXTEND THE MEXICAN  
LABOR PROGRAM

We have spent considerable time this session in trying to devise appropriate ways to help the American farmer.

Early in the session we passed the emergency feed grain program. Later, we devoted a great deal of time to the omnibus farm bill. I did not agree with all of the administration's recommendations in the farm bill, but I was in thorough accord with the objective of trying to give the farmer a more equitable share in the fruits of our economy. Every Member of this body, whether they come from an agricultural State or not, understands that the farmer is the backbone of the Nation's economy, and when he suffers the general economy suffers.

A subcommittee of the House Committee on Agriculture, under the chairmanship of Congressman GATHINGS, of my State, held a series of very illuminating hearings this spring on the cost-price squeeze affecting farmers throughout the country. The hearings focused additional attention on the disastrous effects of rising costs and declining income on the agricultural sector of the economy. I hope that my colleagues will take the time to study these hearings and read what the farmers themselves say about the existing situation.

I received a report from the Department of Agriculture only a few days ago which contained startling statistics on the farm income situation. In Arkansas, for example, farm production expenses increased from \$303.7 million in 1950 to \$476.5 million in 1960—more than 57 percent. During the same period net farm income decreased by 14

percent from \$318.3 million in 1950 to \$274.7 million in 1960. These statistics while startling by themselves do not begin to portray the personal impact of the farm income problem on the individual farmer who is trying to raise a family and provide them with the amenities of life while faced with constantly increasing production costs and, in most cases, frozen acreage allotments.

I point this out as a preliminary to discussing the need for extending the Mexican labor program which is essential to the cotton farmers of Arkansas, and farmers in many other States. The extension of this program is one way we can help a sizable segment of agriculture. If the program is killed or saddled with restrictive provisions you will have caused a direct injury to thousands of farmers.

I realize that there is a great deal of controversy about this program. Unfortunately, the migratory labor problem has been brought into this issue in an uncalled for manner. Intense emotion has been generated at the expense of reasonable analysis. I hope that Senators will look behind the emotional arguments which have been advanced for placing unneeded and unworkable restrictions on this program and judge the issue on the merits.

The existing Mexican labor program was authorized in the Korean war as a non-controversial way to obtain the hand labor needed by farmers to replace the domestic labor involved in the war effort. The program is still essential, but for different reasons. In the last decade vast population shifts have taken place which have seriously decreased the availability of domestic farmworkers. In my State, the farmers simply cannot obtain sufficient domestic farm labor to meet the short-term demands of the cotton crop cycle.

During 1960 over 31,000 Mexican nationals helped cultivate and harvest Arkansas' cotton crop. This heavy reliance on imported labor is due primarily to population shifts which have taken place in the last decade within the State and the nearby farm labor market. There has been heavy migration from rural to urban areas and also migration to other States. Arkansas had a net population loss of 6.5 percent from 1950 to 1960, and 57 percent of this loss occurred in the 18 counties of eastern Arkansas where 80 percent of our cotton is produced. At the same time there has been a growing disinclination on the part of many laborers to do the tedious work required in cultivating and harvesting a cotton crop. The net result is that we simply do not have enough domestic labor available in Arkansas or the surrounding areas to supply the farmer's need for hand labor.

It has been argued that mechanization will eventually do away with the need for hand labor on cotton farms. This may be true at sometime in the distant future, but it is not true today. The soil and terrain conditions in many Arkansas cotton producing counties are such that picking machines cannot be used in the fields during unfavorable weather. There are also many small farms where use of machines is not practical or economical, and rental machines are not available for these farms until after the crops have been harvested on the larger farms. Another factor indicating continued need for hand labor is the preference shown by many cotton mills for hand-picked cotton over machine-picked cotton.

I do not want to leave the implication that the Mexican labor program is a one-way street designed solely to help our farmers. This is an important program to Mexico. It is her second most important source of American dollars. Mexico is one of our best customers, and in 1960 our exports to that country were \$807 million compared to imports of \$443 million. Our continued favorable balance of trade with Mexico indicates the



importance to American business of maintaining this program.

An interesting analysis of the value of the bracero program to Mexico appears in the House committee hearings on this bill. I ask unanimous consent that there be printed in the RECORD following my remarks a copy of the statement of Dr. Richard H. Hancock which appears in the House hearings on page 42.

Aside from the economic importance of this program to Mexico, there are also important intangible benefits which accrue to both that country and ours. The program has been very effective in improving understanding between the peoples of our countries. The program, in my opinion, could be used to even greater advantage in improving relations between the United States and Mexico. I recently contacted Secretary Rusk and Secretary Goldberg about the possibility of doing something further along these lines. I have received reports from both Departments indicating that efforts will be made to do this. I intend to pursue this further with the officials responsible for administering the Mexican labor program.

The objections to extension of the Mexican labor program center about its effects on the domestic farmworker. I think that the protections which now exist are adequate to protect domestic workers from possible competition from Mexican laborers. Before a farmer can obtain braceros, certification must be made by the Department of Labor that:

1. Domestic workers, able, willing and qualified are not available.
2. Employment of Mexican workers will not adversely affect labor and working conditions of domestic workers similarly employed.
3. That reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered the Mexican workers.

These restrictions in my opinion are certainly adequate to minimize the impact of this program on the domestic worker. In fact, the Department of Labor has often gone overboard in their regulations implementing these statutory restrictions.

I do not mean to imply that there is always full employment in areas where Mexican laborers are used. It often happens that domestic workers will not do the type of work called for. If our farmers could get sufficient domestic laborers at the time they are needed and at wages which the farmer can afford to pay they would be happy to hire them. In reality the Mexican labor program is a program of necessity.

I might point out that the farmers pay practically all of the expenses incurred in the operation of this program. In addition to the fees paid by the farmers into the farm-labor supply revolving fund, the farmer pays the cost of transporting the worker from the migratory station to the place of employment and then back again. In 1960 the Phillips County Farmers' Association in my State found that the cost for this transportation was \$47.32 per worker. The regulations backed up by strict enforcement insures that the Mexican laborers are paid fair wages and are furnished with adequate housing while they are in this country. The entire program is equipped with safeguards for everyone involved—the worker, his employer, and the domestic worker whose livelihood could be endangered by unregulated importation of Mexican nationals.

I oppose the amendment sponsored by the junior Senator from Minnesota. On the surface the amendment appears to be fair

and reasonable. But on close examination it is obvious that the effect of the amendment would be to establish a minimum wage for farm labor. The Senator's amendment would require the farmer to pay Mexican laborers a wage equal to at least 90 percent of the average farm wage in the State, or the Nation, whichever is lower. This means that the hard pressed cotton farmer in Arkansas would be required to increase wage rates for Mexican laborers by 32 percent above the current rate. At the same time this will mean an automatic increase in the wages for domestic labor since Mexican labor cannot be obtained unless domestic labor is not available at comparable wages.

No one can argue that the current rate is a generous wage. I agree fully with the Senator's objective of trying to improve farm wages. But this cannot be done without corresponding increases in labor productivity and farm income which will put the farmer in a financial position to pay better wages. Farmers in Arkansas cannot afford this increase and if you want to take them out of the cotton business, passage of this amendment is a good way to do it.

I want to mention one other fault in the Senator's amendment. The use of the average hourly farm wage for the State does not take into consideration the fact that many farm jobs require a high degree of skill and training. And farmworkers with these skills naturally command higher wages than unskilled hand labor. Let's remember that the Mexican labor program involves only unskilled hand labor. And yet under this amendment there is no distinction between skilled and unskilled labor in setting up the base wage rate. This greatly distorts the resulting average.

The Senate passed a minimum wage bill earlier this year. The Labor and Public Welfare Committee considered all aspects of the bill at great length and did not see fit to recommend a general minimum wage for agricultural workers. The Senator from Minnesota's amendment is a giant step toward a minimum wage for agriculture and any legislation in this area should certainly be thoroughly considered by the Senate Committee on Labor and Public Welfare before coming before the Senate.

I urge that this amendment be rejected.

#### THE VALUE OF THE BRACERO PROGRAM TO MEXICO

(By Dr. Richard H. Hancock)

The most obvious benefit of the bracero program is the large amount of dollars it contributes to the Mexican economy. Mexico is a trade-deficient area, particularly in regard to trade with the United States. From 75 to 80 percent of Mexican imports are from the United States, while only 50 percent of its exports are to the United States.

Mexico's trade balance for the first 6 months of 1960 showed a deficit of \$57,806,000. This deficit would be much greater if it were not for the annual inflow of bracero remittances, estimated at over \$120 million annually.<sup>1</sup> Braceros constitute a source of dollars exceeded in importance only by tourism and cotton.

<sup>1</sup>The average duration of contract of braceros is 3.5 months, according to the Labor Department (House Committee on Agriculture, hearings on "Mexican Labor," 1958, p. 452), and the average number of braceros contracted annually for 1956 and 1957 was 440,000. The average minimum was taken as \$5 a day (the fact that some workers receive less than this amount is counterbalanced by the fact that others re-

Throughout this calculation, the writer has attested to present bracero savings on the low side; for example, many contracting associations charge less than 7 cents a day for insurance instead of the 10 cents allowed. Further, \$4.90 a week seems to be ample for the maintenance of a bracero in view of the fact that the U.S. Department of Agriculture found in the spring of 1955 that U.S. families with up to \$2,000 income after taxes were spending only \$4.42 per capita each week on food (House Committee on Agriculture, hearings on "Mexican Labor," p. 579).

Not only does the bracero program alleviate Mexico's balance-of-payment problems, but it also serves to lessen conditions of unemployment and underemployment. With a current population of 34.6 million people, Mexico has one of the world's fastest growing populations. In 1957, a year when Mexican President Ruiz Cortines cited Mexico's acute need for 350,000 to 400,000 more jobs, 4 percent of Mexico's entire economically active population—7 percent of those active in agriculture—found employment in the United States, while over 10 percent of the total rural population was directly dependent to varying degrees on bracero income. Bracero money greatly enhances consumer purchasing power, since nearly all this money goes into local trade channels and is not spent on luxury items, as is the case with a considerable portion of the money which comes from nearly all other sources. In Chihuahua the local storekeepers are greatly in favor of the bracero program.

There can be no doubt that braceros and their families are desperately in need of the opportunity to work in this country. According to an outstanding Mexican economist, Señora Ifigenia Navarrete, the average monthly earnings of the 20 percent of Mexican families which comprise the lowest income group in the nation declined from \$22 per month in 1950 to \$19.80 per month in 1957. The effect of this decline has been greatly accentuated by inflation. The cost-of-living index for workers in Mexico City reveals that living costs rose 80 percent from 1950 to 1957, 12.7 percent in 1957 alone. Surveying conditions in the State of Chihuahua in 1958, I found that the increase in the cost of living was much greater than the increase in rural wages. In representative municipios, rural wages had increased 350 percent since 1943, while the cost of living increased 570 percent based on five commodities (corn, beans, coffee, flour, and potatoes) which make up the bulk of the working class diet in Mexico. The fact that the cost of living has risen more rapidly

ceive more than \$5 a day). Calculations were as follows:

#### Average bracero earnings and expenses

	Item	Total
Contract of 100 days at \$5.....		\$500
20 days off (13 1/2-day weekends).....	-\$100.00	400
5 days' time loss (inelement weather).....	-25.00	375
5 days' subsistence wage (\$1.50 per day).....	+7.50	382
100 days' insurance (\$0.10 per day).....	-10.00	372
100 days' maintenance (\$0.70 per day).....	-70.00	302
General expenses (entertainment, clothes).....	-27.50	275
Average amount of money taken or sent home.....		275
Total money sent or taken home by the 440,000 braceros contracted annually (\$275 per man).....		120,000,000



than have rural wages was emphatically verified by all people questioned on the matter.

The following table shows that more money derived from braceros than from any other activity in the State of Chihuahua except mining, cotton, and beef cattle. Even though Chihuahua statistics are not entirely reliable, these figures show that the bracero program constitutes one of the big businesses of the State. In 1957 more men were employed as braceros than in any other category except agriculture. They comprised 11 percent of the total labor force and 21 percent of the total economically active agricultural population of the State. There are nine municipios in Chihuahua where bracero emigration absorbs some 30 percent of the total active population and 32 percent of the total agricultural labor force. General Trias has the State's highest level of emigration, with braceros constituting 44 percent of the entire economically active population and 47 percent of the total agricultural labor force. In the summer of 1958, I visited two Chihuahua villages where the inhabitants said they had no means of support other than the bracero program. While the effects of the program are not uniformly felt throughout the nation, a study of the dynamics of migration in the other States which contribute heavily to the outflow of migrants—Durango, Zacatecas, Guanajuato, Michoacán, and Jalisco—would doubtless reveal a migratory labor complex similar to that depicted for Chihuahua.

I do not propose that the bracero program be artificially perpetuated, but I do say that it would be extremely unwise to arbitrarily terminate this program on the uncertain premise that the domestic migrants' welfare would be greatly improved. The domestic migrant problem cannot be considered as pertaining exclusively to agriculture. This is a social problem in the U.S. similar, and in many cases identical, to that of caring for the alcoholic, the physically handicapped, the mentally ill, and the aged. In our Nation today, social derelicts, rejected for all other types of employment, are frequently considered to be apt candidates for agricultural positions. It is our duty as members of an enlightened and compassionate society to make strenuous efforts to succor these people, but we should not place all of this burden on agriculture.

There are many individual examples of the manner in which braceros have benefited from their labors in the U.S. I will cite two which happened to come to my attention in February, 1961. One man came into our office to cash \$1,900 worth of checks, which he said represented his savings during the past 14 months. He said that he had consummated a deal to buy land in Mexico and needed the cash to make a down payment. On further inquiry, I found that this bracero had saved \$800 to \$1,000 annually during the past 8 years. With this money he had purchased a 30-acre farm, 8 span of oxen and various farm implements, and made miscellaneous improvements on his farm. He had also invested in some city property in Ciudad Juárez.

Another man, who had been working as a bracero since 1953, had spent his entire savings, approximately \$8,000, on medical expenses for his ailing mother. Although she finally passed away after various operations and extensive hospitalization, he pointed out to me that without his bracero earnings her life could never have been prolonged so much, since she could have received little or no medical treatment. He seemed to derive a great deal of satisfaction from the fact that he had been able to provide his mother with the best of care during the final years of her life.

I wish to relate one other incident which has impressed me very strongly with the

good effects of the bracero program. In 1958, I happened to meet a U.S. citizen who managed a combined store and post office in a small mountain village in Chihuahua. He said he was disturbed by the fact that substantial amounts of Communist propaganda were being distributed through the mail. He stated, however, that even though the United States was sending out no counterpropaganda, this Communist literature was in his opinion having little effect, since people were able to view the United States in its true perspective through the eyes of returning braceros.

In these days when the conflict between the free world and communism is so strongly contested, we cannot afford to ignore the welfare of our neighbors to the south. The bracero program is a critical factor in avoiding the economic chaos which is the feeding ground for communism. If we give no thought to the welfare of the

2,250,000 Mexicans who derive all or part of their livelihood from the program, we are inviting disaster.

The bracero program has improved the level of Mexican living. Braceros and their families eat better, wear better clothing, and live in better houses. Most important of all, they have the consciousness that their lot can be improved. They have what the sociologists call a higher level of aspiration. In the "Decline and Fall of the Roman Empire," Gibbon says: "In all pursuits of active and speculative life, the emulation of states and individuals is the most powerful spring of the efforts and improvements of mankind." In creating this spirit of emulation in braceros, and through them in the Mexican nation as a whole, I believe that the bracero program may prove to be a significant factor in the social and economic development of Mexico as a responsible nation of the free world.

Value of production of the 10 principal economic activities in the State of Chihuahua in 1956<sup>1</sup>

Item	Volume	Value	
		Pesos	Dollars <sup>2</sup>
Mining <sup>3</sup> .....		1,259,702,485	\$100,776,228
Cotton.....	241,731 bales.....	355,861,188	28,468,895
Cattle <sup>4</sup> .....	262,853 head.....	237,913,844	19,033,025
Bracero earnings.....	36,623 haceros.....		10,071,325
Forest products.....		111,559,621	9,075,000
Maize.....	98,146 metric tons.....	62,422,128	4,993,770
Oats.....	63,027 metric tons.....	35,295,064	2,823,605
Beans.....	28,168 metric tons.....	31,226,480	2,501,318
Wheat.....	24,743 metric tons.....	20,982,064	1,678,565
Irish potatoes.....	26,969 metric tons.....	15,911,415	1,272,913

<sup>1</sup> Source for agricultural items is Mexico, Secretaría de Agricultura y Ganadería, Boletín mensual de la dirección de economía rural (1957-58); sources for other items are individually cited. Data is for 1956 unless otherwise stated.

<sup>2</sup> Conversion rate used is the official rate of \$1 dollar, 12.50 pesos.

<sup>3</sup> From tables compiled by Leopoldo Hurtado Olin, director of the Department of Economics of the State of Chihuahua.

<sup>4</sup> If cotton seed is included, this total is \$33,165,698.

<sup>5</sup> Since the variation in the number of cattle sold annually in Chihuahua is extremely wide, the annual average number of cattle sold from 1945 through 1957 was computed from Hurtado Olin, Compendio estadístico del estado de Chihuahua, 1956-57 (Chihuahua: By the author, 1958), p. 15. The value of sales was obtained using the average price received in Chihuahua for cattle on the hoof sold during 1956, with figures from the Boletín mensual de la dirección de economía rural of March 1957.

<sup>6</sup> Each hacero is estimated to have taken home \$275 (see p. 37). The figure for the number of braceros contracted is for 1957, since complete and reliable data was available for that year. Moreover, Labor Department officials stated that 1957 was a typical year regarding bracero movement in Chihuahua.

<sup>7</sup> Figure is for 1954 and is the latest available. Figures for volume of production coincide almost exactly with those for 1956 and 1957. Mexico, Secretaría de Economía, Dirección General de Estadística, Anuario estadístico de los Estados Unidos Mexicanos, 1955-56 (México, D.F.: Talleres Gráficos de la Nación, 1957), pp. 508-518.

#### U.S. DISARMAMENT AGENCY

Mr. PROXMIRE. Mr. President, I was a cosponsor of the disarmament agency bill which passed the Senate earlier. I see the author of the bill is present in the Chamber. I wish to take advantage of that fact, because I understood opponents of the bill to say that this is the worst possible time to pass the bill, that it would be misinterpreted abroad, that it would indicate weakness on the part of the American people.

I wish to make it absolutely clear that, so far as this cosponsor is concerned, my cosponsorship of the bill and my vote for the bill, far from indicating any feeling of weakness or any willingness to appease Communist Russia, has precisely the contrary intention.

I feel very strongly that this is a time when we must be strong and firm, and a time when we must increase, not decrease, our armaments. This is a time when we must do all we can to strengthen our nuclear ability.

I am very proud to see that one of the four divisions called up by the Secretary of Defense is Wisconsin's great 32d National Guard Division.

I feel we must do all we possibly can to establish the greatest nuclear deterrent, the greatest Air Force, the most powerful Army, and the most powerful Navy in the world today.

However, I think that with every dollar we spend on defense, with every soldier who is alerted or called to active duty, every American must keep in mind that we do this to achieve peace in the world. As Churchill said on more than one occasion, "We arm to parley."

We are building up our defenses certainly not because we wish to use those defenses to inflict death and destruction. We have built up our defenses because we recognize that when one lives in a world with Khrushchev, when one lives in a world with the Communists, the only way one can negotiate is to negotiate from strength, to negotiate from power, to be in a position to command respect. One cannot command respect unless one has an air force, an army, navy, and nuclear power with which to command it.

It has been said in the history of mankind that every arms race has led to war. This arms race will be no exception if it continues as an arms race, with



fantastic technological development. As the situation is developing, as one outstanding author, Mr. Hadley, has said, technology is now undergoing a complete revolution every 5 years. The H-bomb is spreading, and it will spread further within the next 10 years. The New York Times says that within 10 years 23 nations of the world will have nuclear power and nuclear weapons.

There is no question that unless we can begin to have arms control we shall have nuclear destruction, and the prospects for mankind then will be very dim.

It seems to me that only a strong country, only a self-confident country, can afford to have arms control or a disarmament program.

I say to the Senator from Minnesota, the author of the bill, that the reason why it is so important to have the bill enacted is that when we work out and develop an arms control program we shall know exactly what we are doing. Under no circumstances should we permit an inspection system which is faulty, which could result in the betrayal of America. Under no circumstances should we permit a disarmament system which could result in a preponderance of power in the hands of any enemy or any combination of enemies.

The purpose of the bill, as I understand it, is to give to the President of the United States and to the Congress of the United States the kind of intelligence and understanding not available to us today. Unless we have research to determine how feasible, how effective, how workable, how practical an arms control program will be, we shall not have any idea of what we are doing.

I ask the Senator from Minnesota if it is not true that a vote for his bill is not only a vote affirming faith in America but also a vote for a practical, workable, defensible arms control program which will safeguard the American people and not endanger them?

Mr. HUMPHREY. The Senator from Minnesota is more than happy to respond to the inquiry of the Senator from Wisconsin.

I never would have sponsored the bill unless I thought it would promote the national security. The President of the United States would never have sent his message to the Congress of the United States urging that this proposed legislation be acted upon favorably otherwise. A man of the patriotism, loyalty, ability, and dedication of John McCloy, the President's special adviser on disarmament, never would have asked the Congress to pass the bill unless he thought and knew it was a vital part of our national security.

I concur with the Senator's statement. He has made a brilliant statement. He has made a comprehensive and a very worthwhile statement not only as to the need to be strong but also as to the need to search relentlessly for paths to peace which really lead to peace—not to appeasement, not to retreat, not to a fictitious and false peace, but to a genuine peace.

We know disarmament cannot be a one-way street. We are talking about multilateral international disarmament.

We are talking about effective control mechanism; supervision and control so that we shall not be fooled, so that we shall not be led down some blind alley. That is why we need the Agency.

I remember what President Kennedy said about the American eagle as our symbol. That was referred to in the debate today.

In the claws of the eagle on one side are the arrows, and in the claws on the other side is the olive branch. The arrows indicate and signify our preparedness, our defense, our willingness to make the sacrifices necessary for our security. The olive branch, in the claws on the other side, indicates our search for peace.

This is not a contradiction. A well governed city has a police force, but it also has judges, social workers, schools, and churches.

A city could never be governed with police only. A city without a church would be a city which would never be governed well. A city without a spiritual leader would never have enough policemen to govern. One cannot have enough policemen to keep mankind in order and in line with police alone. There must be something else. There must be peace of mind. There must be peace of soul. There must be standards of conduct which are moral and ethical. That is what we are talking about.

The most courageous man in the world was known as the Prince of Peace. It has been said, "Peace be unto you," and "Peace on earth, good will toward men."

Is this a sign of weakness? I think it is a sign of the greatest courage man can have.

I do not think Hitler was courageous. I think he was a madman. He knew how to arm.

I do not think Khrushchev is courageous either. He is imbued with the same kind of madness, the thinking that power comes from weaponry. That is what bandits think.

There have been men, like Gandhi, who have been able to stop a whole empire without even as much as raising a hand in defense or in violence.

When one talks about courage, about power, or about strength, it should be understood that the power of the spirit is sometimes greater than the power of the machine.

I was accused of being a visionary, as one of my colleagues said. I am happy to find myself in that very fortunate group of people. I accept that description. I am also a very practical man, I hope. I try to be.

I feel that one of the reasons why we need the agency is to get down to exactly what the Senator is talking about. We must study this complex problem of arms control and disarmament with scientists, with engineers, with diplomats, with the most able, intelligent and brilliant people this country can bring to bear on the problem.

This is not something one can talk about in Utopian terms. One cannot merely wish peace for the world. One has to work for it, to plan for it, and to sacrifice for it.

When the American people understand that military preparedness and diplomatic preparedness are opposite sides of the same coin called "national security," then we shall start to make progress.

We have always failed at the conference table. We have never failed on the battlefield. We win the wars and lose the peace.

One of the reasons why we lose the peace is that we have never been able to get the Congress, until today, to stand up to say, "We must look ahead a long way, perhaps 25 years or perhaps 50 years. We have to plan for peace. We have to work for it. We have to study for it. We have to pay for it. We have to sacrifice for it."

The Senate passed a Defense Department appropriation bill of nearly \$47 billion in less than 1 hour. We argued about a Disarmament Agency bill in the Senate from 10 o'clock this morning until 6 o'clock this evening, and it involved only \$10 million. I wonder, sometimes, what people must think of us.

There is no answer, no solution to the world problems, in a nuclear war.

I am in favor of standing firm. I am in favor of preparedness. I voted for that every time. I voted for the NATO alliance, for foreign aid, for Defense Department appropriations.

I have three sons. One of them has gone through ROTC. He is of military age.

It is always somewhat bewildering to me that day after day the Congress can vote for fantastic sums for defense, because we need them, but cannot understand that we must have trained people working for peace. We cannot say to a vice president of an insurance company, "Negotiate with the Russians—over the weekend."

They do not like insurance companies and they do not particularly like vice presidents of insurance companies. We do not send someone over to fight our wars on the basis, "Well, there is a fellow who worked for the Remington Arms Co. He must know something about guns. Let us send him over as a commander in chief." We do not do that. We have academies in which to train our people. We spend billions on research for weaponry and many billions on projects which sometimes fail. No one ever complains when projects end on dead end streets and blind alleys. We search some other place.

What is the disarmament agency for? As I said, we will study, research, plan, look ahead, and recruit people to work in the area of disarmament, the best people that the Nation can produce.

The next time we go to the conference table we shall be prepared. By the way, we will either go to the conference table with Mr. Khrushchev or world war III is only hours away. I think it might be well for the Nation to ponder what world war III would mean. I think we could win it. We may not be around to know it. But I suppose someone will crawl out from under a rock and say, "I think we won the war." We liken the situation to that of a football game. We talk about nuclear weapons that can destroy



all forms of life, not once but twice, if we never build another bomb. All of this we say is necessary.

But I suggest that Mr. Khrushchev, Mr. Kennedy, Mr. de Gaulle, Mr. Macmillan, and Mr. Adenauer all know, as well as we know here, that they will sit around a conference table one of these days. Again I ask Senators and fellow Americans, "Shall we be prepared?"

We can rest assured that the Soviets are. They have people who are prepared long in advance. Some of us have negotiated with them.

It is like having a high school football team playing Notre Dame when Notre Dame is at its best. If one is not prepared, he ought not to get into the same room and open himself to that kind of abuse.

All I say is that what we did today was to take a real step in preparedness for the defense of the Nation. I think we should look upon S. 2180 as a part of a great national security project, because it will relate to our national security in the days ahead in a very beneficial way.

I thank the Senator. I know of his deep concern, and I want him to know how much I appreciate his sponsorship, support, and interest in this work.

It means a great deal not only to the Senate but also to the people of Wisconsin who have in the Senator from Wisconsin a very fine public servant and one who is dedicated to peace through strength.

Mr. PROXMIRE. I thank the Senator from Minnesota for his magnificent answer. In conclusion I wish to say that the principle he has enunciated and underlined is one that my dad told me when I was a little boy, which is, "You get out of life what you put into it."

If we want peace, we must put something into it. As the Senator from Minnesota said, we must invest our intelligence, scientific understanding, and know-how into peace. The bill calls for such investment.

I congratulate the Senator from Minnesota on what I think may very possibly be the most important bill that will have passed the Senate of the United States this year or, I might say, even since I became a U.S. Senator. I, of course, recognize the overwhelmingly iron necessity of passing appropriation bills for defense and the necessity for passing some of our very wonderful and necessary domestic bills. But here is the kind of bill which can permit us to achieve a peaceful world. There is nothing on earth the people of America yearn for or want more than peace with freedom, peace with strength, and peace with justice.

Mr. HUMPHREY. The Senator will be interested to know that there is a good deal of comment about what our generals say. There is talk on both sides of the aisle as to whether they say the rights things or not.

Every military officer who testified on the bill before the committees in the House and the Senate was for it. I think one of the greatest testimonials to democracy is that the top military officers of our country, active officers or retired, have come to testify for the

bill. The great Gen. Douglas MacArthur is today one of the greatest exponents of peace. He is like a spiritual leader. Former President of the United States, Dwight Eisenhower, was for the proposed legislation. Former President of the United States, Harry S. Truman, was for the proposed legislation. The present President, the Chief of Staff, the Chairman of the Joint Chiefs, the man who today has the destiny of our Nation literally in his hands, and is the chief military officer, came before the committee and said, "Pass it. It is urgent. We need it." The Secretary of Defense, the former Secretary of State, the present Secretary of State, ambassadors and top people said that we need it.

I could not help but think that sometimes we came close today to rejecting those men. It would be like a man having heart trouble and going to all the heart specialists he could go to, every one of whom would advocate the same treatment. After the man had listened and received their professional counsel and advice, he would decide that what he really ought to do is to eat radishes. That is about what we almost did. But, thank goodness, we decided to take professional advice.

#### MEXICAN FARM LABOR PROGRAM

The Senate resumed the consideration of the bill H.R. 2010 to amend title V of the Agricultural Act of 1949, and for other purposes.

Mr. HUMPHREY. Mr. President, I wish to have the record quite clear in reference to the pending legislation. I support wholeheartedly the amendment of my distinguished colleague from Minnesota [Mr. McCARTHY]. I commend him for his diligence in presenting the amendment and the splendid case he made for it.

As a former member of the Committee on Agriculture and Forestry, I have given considerable attention to the Mexican farm labor program. I wish to say for the committee I think that he has presented this year a decidedly improved bill, and the committee ought to be commended on that.

I recognize the need for Mexican labor. I know that we have set some pretty good standards for the protection of the health and welfare of these laborers from the friendly Republic of Mexico who come to work in the United States.

What the Senator from Minnesota [Mr. McCARTHY] seeks to do, however, is to give them a little better deal and also help to protect the domestic labor market.

I would have the record note that we have unemployment in this country. We have some of it in the agriculture areas, and I think our first obligation is to our own.

What the junior Senator from Minnesota [Mr. McCARTHY], as a member of the Committee on Agriculture and Forestry—who, by the way, conducted a nationwide study of unemployment problems only last year—seeks to do is to provide standards that will assure a

fair wage for either a domestic worker or for a foreign worker who has been brought in for a limited period of time. It ought to be quite clear that every part of America does not use imported farm labor, only limited parts. I am not being critical of that situation. They have a specific need.

I wish to say that the Secretary of Labor has a definite responsibility to workers, whether they are in factories, on farms, in the forests, or on their jobs. I do not think we ought to look down upon him for the diligence that he gives to his job. I think we should commend him.

We get down to a kind of agriculture which is a factory type of agriculture. By the way, this is one kind of agriculture which uses imported labor. The dairy farmers of Wisconsin do not import 25, 50, or 100 Mexican laborers, or laborers from some other area, nor does the wheat farmer of North Dakota, the corn farmer of Iowa, or the wheat farmer of Kansas. But I assure the Senate that there are certain types of agriculture in which there is huge acreage, much of it in areas where what is called stoop labor is required. We import foreign labor for such jobs. I believe the best way to build a good foreign relations is to see that those foreign laborers are well protected, are paid good wages and, by the same token, our own people, who are looking for work, are given the first option.

I support the amendment of the Senator from Minnesota [Mr. McCARTHY], and I compliment him on his leadership in this effort. I am hopeful that the amendment will be agreed to.

#### AID TO FEDERALLY IMPACTED SCHOOLS

Mr. HUMPHREY. Mr. President, I move that the Mexican labor bill, H.R. 2010, the unfinished business, be temporarily set aside. Under the unanimous-consent agreement, the Senate will vote on Monday on the bill. I also ask that Order No. 719, S. 2393, providing aid to federally impacted schools be made the pending business.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2393) to extend for 1 year the temporary provisions of Public Laws 815 and 874 relating to Federal assistance in the construction and operation of schools in federally impacted areas and to provide for the application of such laws to American Samoa.

Mr. HRUSKA. Mr. President, may I inquire of the Senator from Minnesota if the suggestion he now makes will be subject to the unanimous consent agreement that at 11 o'clock a.m. on Monday the Senate will resume the consideration of the so-called bracero bill?

Mr. HUMPHREY. That is correct.

Mr. HRUSKA. If Calendar No. 719, S. 2393, is not disposed of by that time, it will be held in abeyance until the unanimous-consent agreement will be effectuated insofar as the bracero bill is concerned; is that correct?







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only  
should not be quoted  
or cited)

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Sept. 11, 1961  
87th-1st No. 158

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HIGHLIGHTS: Senate passed Mexican farm labor bill. Senate agreed to conference report on saline water conversion bill. House agreed to conference report on Labor-HEW appropriation bill. House received conference report on State-Justice appropriation bill. Sen. Humphrey introduced and discussed sugar bill. Extension of remarks of Rep. Cooley reviewing farm legislation.

## HOUSE

1. APPROPRIATIONS. Received the conference report on H. R. 7371, the State-Justice appropriation bill (H. Rept. 1163). pp. 17652-3  
Agreed to the conference report on H. R. 7035, the Labor-HEW appropriation bill, and acted on amendments in disagreement. pp. 17658-65  
Agreed to the conference report on H. R. 8302, the military construction appropriation bill. pp. 17674-9
2. SALINE WATER. Received the conference report on H. R. 7916, to expand and extend the saline water conversion program being conducted by the Interior Department (H. Rept. 1158). pp. 17653-5
3. SMALL BUSINESS. Conferees were appointed on H. R. 8762, to amend the Small Business Act to increase the amount available for regular business loans thereunder. Senate conferees have already been appointed. p. 17657
4. WATERSHEDS. The Agriculture Committee approved work plans for the following watersheds: East Fork of Pond River, Ky.; Souhegan River, Mass.-N. H.; Ahoskie Creek, N.C.; David's Creek, Ia.; Davis-Battle Creek, Ia.; Ryan-Henschal, Ia.; Cane Creek, Okla.; Dunlap Creek, Pa.; Little Satilla Creek, Ga.; Tallahalla



Creek, Miss.; Sarasota West Coast, Fla.; and Kickapoo Creek, Wis. p. 17652

5. FOREIGN TRADE. The Post and Civil Service Committee reported without amendment H. R. 7791, to provide for the collection and publication of foreign commerce and trade statistics (H. Rept. 1160). p. 17703
6. PERSONNEL. Agreed to the Senate amendment on H. R. 2883, to provide for the defense of suits against Federal employees arising out of their operation of motor vehicles in the scope of their employment. This bill will now be sent to the President. p. 17658  
Received from the Civil Service Commission a proposed bill "to provide for the payment of compensation and restoration of employment benefits to certain Federal officers and employees improperly deprived thereof." pp. 17702-3  
Agreed to the Senate amendment (with an amendment) to H. R. 5490, to provide for more effective participation in the reserve components of the Armed Forces, and to provide for two weeks military service on a calendar year basis rather than a fiscal year basis. pp. 17663-5
7. FOREIGN AFFAIRS. The "Daily Digest" states that the Foreign Affairs Committee "Completed markup of H. R. 7936, to establish a U. S. Disarmament Agency for World Peace and Security. Ordered a clean bill introduced in the House." pp. D835-6
8. FOREIGN TRADE. Rep. Reuss discussed the European Common Market, and quoted Secretary Freeman as saying "'American agriculture is concerned over the possibility of a restrictive import policy on the part of the Common Market which would reduce our sales to the area of wheat, rice, feed grains, livestock products, poultry, tobacco, and certain fruits.'" pp. 17694-6

SENATE

9. FARM LABOR. By a vote of 76 to 9, passed with amendments H. R. 2010, to extend and amend the Mexican farm labor program (pp. 17738-46). By a vote of 42 to 40, agreed to an amendment by Sen. McCarthy to provide that no Mexican worker recruited under the program shall be made available to any employer or permitted to remain in the employ of any employer unless the employer offers and pays such worker wages at least equivalent to 90 percent of the average farm wage in the State in which the area of employment is located, or 90 percent of the national farm wage average, whichever is lesser. A motion to reconsider the vote by which the amendment was agreed to was tabled by a vote of 42 to 41. (pp. 17738-42). By a vote of 35 to 49, rejected an amendment by Sen. Keating which would have provided that before Mexican workers could be employed, efforts must be made to attract domestic workers by offering them conditions of employment comparable to those offered Mexican workers (pp. 17743-45). Conferees were appointed (p. 17746).
10. SALINE WATER. Received and agreed to the conference report on H. R. 7916, to extend and expand the saline water conversion program (H. Rept. 1158). As agreed to the bill authorizes the appropriation of \$75 million over a 6-year period, from fiscal year 1962 through fiscal year 1967, for the program. pp. 17796-800
11. WATER RESOURCES. The Interior and Insular Affairs Committee voted to report (but did not actually report) with amendment H. J. Res. 225, to grant the consent of Congress to the Delaware River Basin compact. p. D834
12. PUBLIC LANDS. The Interior and Insular Affairs Committee reported without amendment H. R. 2280, to provide for the withdrawal of certain public lands 40 miles east of Fairbanks, Alaska, for use by the Department of the Army as a Nike



ing and on-the-job training programs and make the amount of the annual appropriation subject to the normal budgetary process. The House has amended the Senate version by striking all after the enacting clause and inserting language to increase the present \$3.5 million limit to \$7.5 million, and increase the \$500,000 limit on administrative costs to \$1 million.

It had been my hope that we could have an open-end authorization on this program because it has been one of the most useful and worthwhile programs in the Bureau of Indian Affairs, and I feel confident that more and more Indians will wish to take advantage of this kind of training as time goes on. However, there are at this time more applicants for training than there is money available, and we are very anxious that an authorization bill be enacted in this session so that additional funds may be obtained through the supplemental appropriations bill.

The Department of the Interior assures me that the bill in its amended form is satisfactory.

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

Mr. CHURCH. Mr. President, I now ask the Chair to lay before the Senate the amendment of the House to Senate bill 1719.

#### AMENDMENT OF TITLE 23, UNITED STATES CODE, RELATING TO INDIAN RESERVATION ROADS

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1719) to amend title 23 of the United States Code with respect to Indian reservation roads, which was, on line 10, after "roads" insert "and bridges".

Mr. CHURCH. Mr. President, the purpose of this bill is to amend title 23 of the United States Code to authorize the Secretary of the Interior to accept the cooperation of any State, county, or local subdivision in connection with the construction of Indian reservation roads. The House has amended the bill to include bridges. I believe this is a desirable addition to the bill and conforms with the appropriate section of title 23. It is also acceptable to the Department of the Interior which initiated this legislation in an executive communication.

Mr. President, I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

Mr. CHURCH. I now request that the Chair lay before the Senate the amendment of the House to Senate bill 1768.

#### RESTORATION TO INDIAN TRIBES OF CERTAIN PAYMENTS OF TRIBAL TRUST FUNDS

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the bill (S. 1768) to provide for the restoration to Indian tribes of unclaimed per capita and other individual payments of tribal trust funds, which were, on page 1, line 8, after "law," insert "and any interest earned on such share that is properly creditable to the individual"; on page 2, line 6, after "share" insert "and interest", and on page 2, after line 8, insert:

SEC. 2. The Secretary shall not restore to tribal ownership or deposit in the general fund of the Treasury any funds pursuant to this Act until sixty calendar days (exclusive of days on which either the Senate or the House of Representatives is not in session because of an adjournment of more than three days to a day certain) after he has submitted notice of his proposed action to the Committees on Interior and Insular Affairs of the Senate and House of Representatives unless each of said committees has theretofore notified him that it has no objection to the proposed action.

Mr. CHURCH. Mr. President, the purpose of this legislation is to restore to Indian tribes unclaimed per capita and other individual payments from tribal trust funds and certain other sources that are still in the Federal Treasury—there by reason of the fact that owners cannot be located. The bill provides that the funds will go to the tribes.

As amended by the House, the bill would also cover interest earned on amounts to which the individual Indians may have been entitled, and also provides that prior to restoring unclaimed funds to tribal ownership or depositing them in the general fund of the Treasury, a 60-day notification shall be given to the Committees on Interior and Insular Affairs of the House and the Senate. I understand this amendment is satisfactory to the Department of the Interior which initiated this legislation and it is also acceptable to me.

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

Mr. CHURCH. I ask that the Chair lay before the Senate the amendment of the House to Senate bill 1807.

#### DISPOSITION OF CERTAIN LAND AT CHILOCCO, OKLA.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1807) to authorize the disposition of land no longer needed for the Chilocco Indian Industrial School at Chilocco, Okla., which was, on page 1, line 3, strike out all after "That" down through and including "The" in line 11, and insert "the".

Mr. CHURCH. Mr. President, the primary purpose of S. 1807 was to authorize the Secretary of the Interior to dispose of lands no longer needed for the Chilocco Indian Industrial School at Chilocco, Okla. The bill also permitted two homestead sites in the same area to be conveyed to the homesteaders when their contracts are completely paid in 1963 and 1965 respectively.

The House has amended the Senate bill by deleting the authority for the Secretary to dispose of the surplus acres at the school and restricting it to an authorization for the Secretary to convey title to the two homesteads. I understand there is a desire on the part of some House Members to hold hearings on the desirability of permitting the lands at the school site to be disposed of. Under the circumstances, I am agreeable to the amendments, and I understand that the Department of the Interior, which submitted this legislation to the Congress, has no objection.

Mr. President, I move that the Senate concur in the House amendments.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

Mr. CHURCH. I request the chair to lay before the Senate the House amendment to Senate bill 2241.

#### DONATION OF CERTAIN LAND TO THE JICARILLA APACHE TRIBE OF THE JICARILLA RESERVATION, N. MEX.

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 2241) to donate to the Jicarilla Apache Tribe of the Jicarilla Reservation, N. Mex., approximately 391.43 acres of federally owned land, which was on page 3, after line 4, insert:

SEC. 2. The Indian Claims Commission is directed to determine in accordance with the provisions of section 2 of the Act of August 13, 1946 (60 Stat. 1050), the extent to which the value of the title conveyed by this Act should or should not be set off against any claim against the United States determined by the Commission.

Mr. CHURCH. Mr. President, the House has amended this legislation by adding a new section 2, directing the Indian Claims Commission to determine, in accordance with the Indian Claims Commission Act of 1946, the extent to which the value of the title conveyed by this act should or should not be set off against any claim the tribe may have. This language has been adopted consistently by the Senate in bills making gifts of Federal lands to Indian tribes. I know of no objection to its inclusion in this piece of legislation, and it is satisfactory to the sponsor, the junior Senator from New Mexico [Mr. ANDERSON].

Mr. President, I move that the Senate concur in the House amendment.



The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Idaho.

The motion was agreed to.

### EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of executive business.

The motion was agreed to; and the Senate resumed the consideration of executive business.

### TREATY OF FRIENDSHIP, ESTABLISHMENT, AND NAVIGATION BETWEEN THE UNITED STATES OF AMERICA AND THE UNITED KINGDOM OF BELGIUM, TOGETHER WITH A RELATED PROTOCOL—TREATY OF AMITY AND ECONOMIC RELATIONS BETWEEN THE UNITED STATES OF AMERICA AND THE REPUBLIC OF VIETNAM

The PRESIDING OFFICER. The hour of 10:50 o'clock having arrived, the Senate will proceed in executive session to the further consideration of the two treaties.

Mr. MANSFIELD. Mr. President, on the vote on the treaties, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. MANSFIELD. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the resolutions of ratification of Executive J—87th Congress, 1st session—a Treaty of Friendship, Establishment, and Navigation Between the United States of America and the United Kingdom of Belgium, Together With a Related Protocol, and Executive L—87th Congress, 1st session—a Treaty of Amity and Economic Relations Between the United States of America and the Republic of Vietnam?

Under the unanimous-consent agreement, the resolutions of ratification will be deemed to be agreed to, respectively, by the same vote.

The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Virginia [Mr. BYRD], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from New Mexico [Mr. CHAVEZ] are absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from Virginia [Mr. BYRD], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] and the Senator from Kansas [Mr. SCHOEPEL] are detained on official business.

If present and voting, the Senators from Maryland [Mr. BEALL and Mr. BUTLER], the Senator from New York [Mr. JAVITS], the Senator from Iowa [Mr. MILLER], and the Senator from Vermont [Mr. PROUTY] would each vote "yea."

The yeas and nays resulted—yeas 83, nays 0, as follows:

[Ex. No. 1]

#### YEAS—83

Aiken	Fulbright	Morse
Allott	Goldwater	Morton
Bartlett	Gore	Moss
Bennett	Gruening	Mundt
Bible	Hart	Muskie
Boggs	Hartke	Pastore
Burdick	Hickey	Pell
Bush	Hill	Proxmire
Byrd, W. Va.	Holland	Randolph
Cannon	Hruska	Robertson
Capehart	Humphrey	Russell
Carlson	Jackson	Saltonstall
Carroll	Johnston	Scott
Case, N.J.	Jordan	Smathers
Case, S. Dak.	Keating	Smith, Maine
Church	Kefauver	Sparkman
Clark	KucHEL	Stennis
Cooper	Lausche	Symington
Cotton	Long, Hawaii	Talmadge
Diksen	Long, La.	Thurmond
Dodd	Magnuson	Tower
Douglas	Mansfield	Wiley
Dworshak	McCarthy	Williams, N.J.
Eastland	McClellan	Williams, Del.
Ellender	McGee	Yarborough
Engle	McNamara	Young, N. Dak.
Ervin	Metcalf	Young, Ohio
Fong	Monroney	

#### NAYS—0

#### NOT VOTING—17

Anderson	Curtis	Miller
Beall	Hayden	Neuberger
Bridges	Hickenlooper	Prouty
Butler	Javits	Schoeppel
Byrd, Va.	Kerr	Smith, Mass.
Chavez	Long, Mo.	

The PRESIDING OFFICER. Two-thirds of the Senators present having voted in the affirmative, the resolutions of ratification are agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the approval of these treaties.

The PRESIDING OFFICER. Without objection, the President will be notified forthwith.

### LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed the consideration of legislative business.

### MEXICAN FARM LABOR PROGRAM

The PRESIDING OFFICER. Under the unanimous-consent agreement entered on Friday, the Chair now lays before the Senate House bill 2010.

The Senate resumed the consideration of the bill H.R. 2010 to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Minnesota [Mr. McCARTHY]. Under the agreement, 20 minutes are available for the consideration of this amendment, to be divided equally.

Mr. MANSFIELD. Mr. President, I should like to ask the Senator from Minnesota how he intends to use the time under his control.

Mr. McCARTHY. On this amendment, 10 minutes are available to each side. However, the agreement relates to both my amendment and the amendment of the Senator from New York [Mr. KEATING], and the question is, Which is to be considered first? I think there was no agreement as to that on Friday; but I shall be glad to have my amendment considered first, and to have it followed by consideration of the amendment of the Senator from New York.

Mr. MANSFIELD. Mr. President, will the Senator from Minnesota yield 2 minutes to me?

Mr. McCARTHY. I yield.

Mr. MANSFIELD. Mr. President, some confusion has become evident as to whether the proposed amendment to section 505, the amendment of the Senator from Minnesota [Mr. McCARTHY], would confer upon the Secretary of Labor the authority to fix wages for either domestic or Mexican national agricultural workers.

This amendment, rather than conferring authority upon the Secretary of Labor in the area of agricultural wages, is a limitation upon the broad authority he presently has under Public Law 78. Under section 503 of that act he may now prescribe wage criteria, which he finds necessary, in the determination of whether the employment of Mexican nationals in an area will adversely affect the wages and working conditions of our agricultural workers similarly employed. He now has authority to prescribe the same test of adverse affect as is proposed by this amendment.

Secretary Goldberg stated before the Senate Committee on Agriculture and Forestry that he does presently possess such authority. He is, however, advocating that a congressional standard be written into the law to relieve him from the litigation and the pressures and protests of users of Mexican labor whenever he has taken any steps to give meaning and effect to the mandate of the Con-



gress that he must not permit the employment of Mexican workers in any area unless he has assured himself that their employment will not adversely affect the wages, hours and working conditions of our own workers.

The Secretary of Labor believes that congressional guidelines are necessary for effective and fair administration of this authority.

If this amendment is not adopted, let there be no future criticism of the Secretary of Labor if he prescribes similar tests administratively. The Secretary of Labor has advised the Congress that he has found clear indications of adverse effect and will feel constrained in carrying out his statutory responsibilities to take steps beyond those already taken. It should also be remembered that this amendment would affect only users of Mexican labor.

I personally believe that this Mexican labor program cannot be continued unless wage standards are incorporated which will eliminate the wage depression it imposes on U.S. migratory workers. The McCarthy amendment consists of such wage standards.

#### RETURN TO THE SENATE OF SENATOR CARLSON, OF KANSAS, AFTER ILLNESS

Mr. KUCHEL. Mr. President, will the Senator yield me 30 seconds without its coming out of the allotted time?

Mr. McCARTHY. I yield for that purpose.

Mr. MANSFIELD. Mr. President, I object. There is a time limitation in effect. I suggest that the Senator from Minnesota yield 30 seconds to the Senator from California out of his time.

Mr. McCARTHY. I yield 30 seconds to the Senator from California.

Mr. KUCHEL. Mr. President, I inform the Senate that the junior Senator from Kansas [Mr. CARLSON] has returned to the Senate. He had an operation which was successful. He is one of us, and I am sure all of us are delighted to welcome him back. [Applause, Senators rising.]

Mr. McCARTHY. Mr. President, I am glad the Senator from Kansas is back, and I hope his first official act will be to vote for my amendment.

#### MEXICAN FARM LABOR PROGRAM

The Senate resumed the consideration of the bill H.R. 2010 to amend title V of the Agricultural Act of 1949, and for other purposes.

Mr. McCARTHY. Mr. President, I thank the majority leader for having placed in the RECORD the views of the Secretary of Labor with respect to workers of Mexican nationality who are brought into this country under contract.

There seems to be a point of great significance to many Members of Congress, and I believe it has been taken up by outside groups who are opposed to this amendment as the key point in their opposition.

They are arguing that the amendment gives the Secretary of Labor authority to

fix wages for farmworkers and that this is a new departure and that this establishes a precedent.

As a matter of fact, this is not the case at all. The Secretary of Labor now has authority to fix wages for Mexican nationals who are brought into this country under contract. He has authority, by agreement with the Mexican Government, to provide that a grower cannot pay such Mexican workers less than 50 cents an hour. In addition, the Secretary has the responsibility of fixing the wages of those workers on the basis of the prevailing wage for similar work in the same area. So he does have authority.

Those who are opposing the amendment on principle do not, therefore, have an argument. All my amendment does is establish a somewhat different base, and a clearer base, upon which the Secretary of Labor can determine what wage shall be paid to Mexican laborers brought into this country under contract. Instead of using the base of the prevailing wage for similar work, the amendment provides that he would use as the criterion 90 percent of the average wage paid to farmworkers in the entire State or Nation, whichever is lower. But, in terms of basic authority, there is no difference in the proposal from that which exists in the present law. The only difference is in the standard or criteria which are to be used. That is the point of my amendment.

As a matter of fact, those who are opposed to my amendment on principle should know that section 505 as reported in the committee bill contains a departure in a limited way. Under the committee bill as reported, the Secretary of Labor is given authority to fix wages of American farmworkers; this he has not had in the past. It does not give him much authority, but under present practice, an American worker chopping cotton in Arkansas, let us say, can be paid 30 cents an hour. That is the prevailing wage for chopping cotton in certain counties in Arkansas, according to reports. Mexican nationals cannot be employed at a rate of 30 cents an hour, because under the agreement with the Mexican Government they must be paid a minimum of 50 cents an hour. Under the existing situation of Mexicans being paid 50 cents an hour and American workers being paid 30 cents an hour, the Secretary of Labor has no power to fix the wage of the American cotton chopper getting 30 cents an hour today.

The bill as reported from the committee has this language, in section 505: "pays to both domestic and foreign workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work".

So the language of the bill itself would give the Secretary authority to require an employer to pay Americans at least 50 cents an hour. Both types of workers would have to be paid the prevailing wage, and the American worker could not be paid less than the Mexican worker would be paid.

So those who are concerned about establishing a principle and precedent

ought to be more concerned about the language of section 505 in the bill as reported by the committee than they should be over my amendment. My amendment applies only to Mexican nationals and it provides that they must be paid 90 percent of the average farm wage being paid in the State or Nation, whichever is lower.

This should simplify the problem. If those who oppose the provision are concerned about the principle involved, they ought to be against the language of the committee. If they are concerned about growers paying adequate wages, then they should vote for the bill. But they should not use the argument of principle in voting against my amendment since the committee amendment involves the same question of principle to a greater extent than my amendment.

Let me point out that the amendment would not affect the States which have been paying, in a relative sense, decent wages to American migrant workers and Mexican migrant workers. It would chiefly affect those States which, on the record, growers have been paying 50 cents, 55 cents, and 60 cents an hour, and in consequence of that fact, have forced their own people to move farther north, west, or east, in search of better conditions of employment.

Texas employs approximately 123,000 Mexican nationals. I do not have the exact figures, because exact statistics are not available, but about the same number of Texans are moving out of Texas seeking work in other States. As a matter of fact, if we were to be realistic about this question, we probably ought to have an airlift from Mexico, let us say, to Michigan. This would save the tragedy of dislocations across the country.

We have not come to that point yet. I am hopeful that, if the amendment is adopted, the result will be to require Texas growers who are now using Mexican workers at about 50 cents an hour to pay them about 70 cents an hour.

This might encourage them to hire their own people, to hire Texans. If there were a shortage in some other place in the country, we could provide direct transportation from Mexico to these areas in other States, and thus avoid the dislocation which takes place all the way across many Western and Mountain States in consequence of this practice.

The PRESIDING OFFICER (Mr. PELL in the chair). The time of the Senator from Minnesota has expired.

Mr. KUCHEL rose.

The PRESIDING OFFICER. Does the Senator from California desire to speak?

Mr. KUCHEL. The Senator from North Carolina controls the time, I believe, but I would appreciate it if he would yield to me.

Mr. JORDAN. Mr. President, have the 10 minutes allotted to the other side been used?

The PRESIDING OFFICER. The 10 minutes allotted to the Senator from Minnesota have expired.



Mr. JORDAN. I yield to the Senator from California.

Mr. KUCHEL. Mr. President, according to the 1960 census recently concluded, I represent the most urbanized State in America. Eighty-six percent of the residents of California live in urbanized areas. Yet, California is also the leading agricultural State in our Nation. Since 1950, California continuously has ranked first among the States in the value of agricultural commodities produced which go to all parts of our Nation and the world. Farming in my State is almost a \$3 billion annual business.

I am deeply concerned about the welfare of workers not only in industry but in agriculture. For a long time, I have been shocked by the plight in which the so-called "excluded American," the domestic migrant worker, finds himself. Consequently I have favored the passage by the Senate of those bills recently reported by the Senate Subcommittee on Migratory Labor dealing with agricultural child labor, migrant worker education, crew leader registration, migrant health standards, and the establishment of a National Citizens Council on Migratory Labor. I believe that much more remains to be done. I favor a national agricultural minimum wage, congressionally sanctioned, which would apply equally to all areas of our land regardless of the prevailing wage which might exist in a particular area.

As each of us knows, Mr. President, if we have dealt in any detail with agriculture, there is not just a farm problem, but rather there are many farm problems depending on the commodity we are talking about and the section of the country in which it is grown. So, too, there is not one farm labor problem, but there are many farm labor problems. Each demands treatment appropriate to its nature.

Before us is a measure to extend once again, this time for a period of 2 years, Public Law 78, which authorizes the Mexican farm labor program. This program originated because of a need to provide supplemental labor which could not be procured domestically to prepare and to harvest crops during relatively short periods of time. To delay for a day in certain field or fruit crops can mean a loss of millions of dollars not only to the farmer but to consumers throughout America. We all know that the farmer cannot control his production as can the industrial manager. One does not roof over a field whether it ranges in extent from a few acres to many thousands of acres and then control the environment underneath.

California is second only to Texas in its need for and the use of foreign labor under Public Law 78. California pays the highest wages in America for domestic and foreign farm labor. In 1960, the California average hourly farm wage rate without room or board was \$1.23. The national average was 97 cents. The most common wage for those workers brought in under Public Law 78 was \$1 an hour, the highest in the Nation.

We have heard a lot about the fact that less than 2 percent of the farms in

the United States use some foreign labor. What is important is that 52 percent of our farms use no hired labor, either domestic or foreign, because of the nature of their operations.

And next, we must ask the question, what percentage and what type of the Nation's agricultural produce are represented by the 2 percent of the Nation's farms which use foreign labor? In the case of California, the expansion of field crops is the most important agricultural development which has occurred in my State in the last three decades. Total output has more than doubled since the 1930's. California now ranks second to Texas in cotton production. In 1958, California contributed 8.2 percent of the national total of cash receipts from farming with only 2.6 percent of the farms and 3.3 percent of all the land in farms. We grow over 140 crops. More than a third of our farming is in perishable crops. We supply 30 percent of the Nation's fresh market vegetables and melons, 38 percent of the principal processing vegetables; 37 percent of the tree fruits, nuts, and grapes and two-fifths of strawberries and over one-tenth of the potatoes. Truly astounding is that California leads all other States in the production of 32 perishable crops and that we account for "over 90 percent of the Nation's production in 14 of these crops, 50 to 90 percent of another 11, and 25 to 50 percent of the remaining 7," according to the United States and California Departments of Agriculture.

Above all, we do not have an agriculture dominated by absentee landlords. Whereas three-quarters of California's farms were operated by owners and part owners in the 1930's by the decade of the 1950's this ratio had increased to almost nine-tenths. The farmer's continued livelihood is dependent on his ability to harvest his crop and his ability to attract both domestic and foreign workers to aid him in that task.

I do not believe that a single foreign worker should be imported into this country if it adversely affects our domestic work force. I congratulate the Senate Committee on Agriculture for reporting out an extension of this program with amendments which would tighten up loopholes which are known to exist in the present program. The committee has specified that Mexican workers will not be available in any area unless reasonable efforts have been made to attract domestic workers at wages, standard hours of work, and working conditions comparable to those offered to Mexican workers. Mexican workers, under the bill now before the Senate, will not be available for employment in other than temporary or seasonal occupations or to operate or maintain power-driven machinery, unless a determination is made by the Secretary of Labor that to do otherwise would invoke an undue hardship. Particularly important is the provision that Mexican workers will not be made available unless the employer pays both domestic and Mexican workers not less than the prevailing wage paid in the area to domestic workers engaged in similar work. The bill

also prohibits the furnishing of Mexican workers for some processing activities.

If, in the implementation of the Mexican labor program, domestic workers are being adversely affected, then there is something wrong not with the Congress but with the administration of that program by the Department of Labor. The Secretary of Labor is not to certify and authorize the use of foreign labor if such importation would adversely affect the employment opportunities for domestic workers. I believe that the amendment offered by the able Senator from Minnesota [Mr. McCARTHY] would not remedy what needs to be remedied in the farm labor area.

Article 15, "Wages," of the Migrant Labor Agreement of 1951, as amended, entered into between the Governments of Mexico and the United States of America, already provides, in part:

The employer shall pay the Mexican worker not less than the prevailing wage rate paid to domestic workers for similar work at the time the work is performed and in the manner paid within the area of employment, or at the rate specified in the work contract, whichever is higher. The determination of the prevailing wage rate shall be made by the Secretary of Labor.

The action of the Senate Committee on Agriculture in amending this legislation reinforces these provisions.

The passage of the amendment offered by the Senator from Minnesota [Mr. McCARTHY] would not establish a minimum wage for agriculture with equal application across the United States. The passage of that amendment would mean a pseudo-minimum wage only where foreign labor is utilized. The passage of that amendment would mean the adoption of an escalator device through use of the Mexican labor program which would maintain the present farm wage inequalities which exist in various parts of our land.

While the addition of such an amendment would not hurt California economically, indeed, would not even affect it, I think that the adoption of the procedure suggested by the Senator from Minnesota is not appropriate in terms of what it seeks to achieve. I think it would mark a setback and an excuse for inaction in what is truly needed which is a nationwide minimum wage standard for agriculture. As I stated, I support such a national agricultural minimum wage. The Republican Party of California in its last statewide convention announced its support of a national agricultural minimum wage of \$1 an hour. What is needed is to remove the exemption for agriculture from the Fair Labor Standards Act. This is a matter which should be rapidly and, in my opinion, favorably considered by the Senate Committee on Labor and Public Welfare.

Why should the Secretary of Labor be permitted to set wages for the farmworker through the vehicle of the Mexican labor program, when he cannot set them for the industrial sector of our economy under the Fair Labor Standards Act? While it is true that Congress has given the Secretary the authority to determine the prevailing wage for an area under the Davis-Bacon Act when Federal construction contracts are involved



and for an industry under the Walsh-Healey Act when Federal supply contracts are involved, it is also true that it has not given the Secretary of Labor the authority to set minimum wages in the guise of an escalated percentage formula.

What is needed besides appropriate action by the Committee on Labor and Public Welfare is a more carefully defined criteria of adverse effect by the Department of Labor and its Bureau of Employment Security so that the hundreds of local employment office officials who must participate in the process of authorizing the importation of foreign labor would have a clearer idea of what is meant by the term. Are local domestic workers adversely affected based merely on the total number of unemployed in a particular area or in an adjacent State? There is substantial evidence to indicate that domestic workers willing to work are hired and the number of foreign laborers in an area reduced when the domestic workers become available.

I agree with the Senator from New York [Mr. KEATING] that it is inconceivable that we treat foreign workers better than we treat our domestic farmworkers. I would add that to me it is inconceivable that we treat domestic farmworkers differently than we treat industrial and service workers of comparable education, experience, and skill. I would hope that the Senate might tackle this great problem on its own merits and explore it in the manner in which it deserves to be explored following the necessary hearings and action by the Committee on Labor and Public Welfare. Such action will have my wholehearted support. But, meanwhile, the amendment before us ought to be voted down.

Mr. JORDAN. Mr. President, I yield two minutes to the Senator from Louisiana.

Mr. ELLENDER. Mr. President, I cannot agree with the statement of the distinguished majority leader as to what the amendment would provide. The amendment would give full authority to the Secretary of Labor to fix wages to be paid to Mexican workers at 90 percent of the average for the State or 90 percent of the average for the Nation.

I wish to say that we have tightened up the law in the bill, in that no Mexican laborer can be employed to run tractors or to run any kind of machines. If employers were to pay the Mexican laborer 90 percent of what the average farm worker is paid in the State where the Mexican laborer is employed, this would mean it would be necessary to take into consideration the amount paid for tractor work and for other work with machines, which the Mexican laborer is prohibited from pursuing.

Mr. President, under the bill the Secretary of Labor must make a decision that there are not enough local people to do the stoop labor. He cannot let the Mexican laborers come in unless he finds that local labor will not do the stoop work.

On the other hand, no Mexican worker can be brought in under the program unless the Secretary of Labor states that the labor is needed.

Succinctly stated, Mr. President, there is provision for only supplementary

work. The decision as to a need for laborers must be made by the Secretary of Labor before any Mexican labor can come in.

All of this comes about under an agreement between our Government and the Government of Mexico. Who pays all the expenses? The employer pays them. The employer is taxed at up to the rate of \$15 per person and must assume all expenses, except for a small amount for compliance activities.

I hope the amendment will be rejected, because if it is adopted it will kill the bill.

Mr. JORDAN. Mr. President, I yield 1 minute to the Senator from Kentucky [Mr. COOPER].

Mr. COOPER. Mr. President, I am a member of the subcommittee of the Committee on Agriculture and Forestry which considered the bill. I oppose the amendment offered by the Senator from Minnesota.

This problem does not affect substantially my State, for in 1960 only 76 Mexican workers were employed in Kentucky, by individuals, and about 190 by associations.

I oppose the amendment because I believe the Secretary of Labor has adequate authority to provide for the welfare of the Mexican workers under the present law, and to protect domestic farm labor against the unnecessary use of Mexican labor if he will exercise that power.

I oppose the amendment also because I believe this would be the first step toward giving the Secretary of Labor the power to fix wages for American farmworkers, because it will have an effect upon such wages.

I have supported minimum wage laws for industrial workers. I can not say that at some time in the future the Congress will consider its application to agriculture workers, but I oppose delegating the authority to fix farm wages to the Secretary of Labor. I should like to see one group in this country, the farmers, remain free and out from under the control of the Government. I look upon this amendment as a first step toward authorizing the Secretary of Labor to fix wages for farm labor, and I oppose it.

The PRESIDING OFFICER. The time of the Senator from Kentucky has expired.

Mr. JORDAN. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from North Carolina has 2 minutes remaining.

Mr. JORDAN. Mr. President, I conducted the hearings on the bracero bill. We held 2 days of hearings. I think I know the subject pretty well.

North Carolina does not use any Mexican labor, so this is not a personal matter with me in any respect whatsoever. The larger States of California, Texas, and some others use most of the labor, and a few States use a moderate amount of it.

We would liberalize the present law to give to the Secretary of Labor the right to provide equal labor standards for both Mexicans and Americans, because none of us wishes to see the American migrant laborer mistreated or underpaid or anything like that.

There is a vast difference in the approach. The Mexican laborer can only be used after the Secretary of Labor determines that there are not sufficient American laborers to do whatever must be done. These Mexican farm laborers work the berry crops, work in the fields of Arizona harvesting the lettuce, and they work in Oregon, Washington, Kansas, and other States. These laborers can only be brought to the United States because of the fact that there is not a sufficient domestic labor supply to do the work.

As has been said, the bill provides that the laborers must be paid an equal wage for the same kind of work in the same area.

If we were to give the Secretary of Labor the right to fix wages on the escalator basis which is proposed in the McCarthy amendment, we would fix the farm wage at 90 percent of the lower of the State average or the national average. That average would take in machine operators, including tractor drivers, who make considerably higher wages than those engaged in stoop labor, which is the main kind of labor that Mexicans are used for.

The bill would eliminate the practice of using Mexican nationals for that purpose and make it compulsory that the Secretary of Labor not permit Mexicans to operate tractors or trucks, to maintain them, or engage in like work. In other words, the Mexicans would be confined strictly to nonmachine labor. They would be removed from the labor of packing. In effect the amendment would give the Secretary of Labor the power to fix the price of labor on the basis of a constantly rising average. I do not think Congress ever intended to give the Secretary of Labor or anyone else the power to fix the wages of any particular group of people.

Any farmer would be foolish to hire Mexican labor if he could find sufficient domestic labor available to harvest his crop, because he is required to pay the transportation of Mexicans from Mexico, the premiums on insurance, and the cost of returning the Mexicans after he is through harvesting his crop. There is a great deal of difference between that type of labor and domestic labor which is available nearby a farmer's operation, labor which is free to come and go at will.

Another provision of the Mexican farm agreement referred to a few moments ago is that under the contract Mexican laborers must perform the duties prescribed for them or they are sent back to Mexico.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JORDAN. I hope the Senate will reject the amendment of the Senator from Minnesota.

The PRESIDING OFFICER. All time for debate has expired. The question is on agreeing to the amendment of the Senator from Minnesota. The yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. LAUSCHE (when his name was called). Mr. President, on this vote I



have a pair with the Senator from Oklahoma [Mr. KERR]. If the Senator from Oklahoma were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. LONG of Louisiana (after having voted in the negative). On this vote I have a pair with the junior Senator from Oregon [Mrs. NEUBERGER]. If she were present, she would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

Mr. MANSFIELD (after having voted in the affirmative). On this vote I have a pair with the senior Senator from New York [Mr. JAVITS]. If he were present, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withdraw my vote.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON] and the Senator from New Mexico [Mr. CHAVEZ] are absent because of illness.

On this vote, the Senator from Massachusetts [Mr. SMITH] is paired with the Senator from Arizona [Mr. HAYDEN]. If present and voting, the Senator from Massachusetts would vote "yea," and the Senator from Arizona would vote "nay."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] is detained on official business.

On this vote, the Senator from Maryland [Mr. BEALL] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Iowa [Mr. HICKENLOOPER]. If present and voting, the Senator from Vermont would vote "yea," and the Senator from Iowa would vote "nay."

The result was announced—yeas 42, nays 40, as follows:

[No. 193]

YEAS—42

Aiken	Gore	Metcalf
Bartlett	Gruening	Monroney
Bible	Hart	Morse
Boggs	Hartke	Moss
Burdick	Hickey	Muskie
Bush	Humphrey	Pastore
Byrd, W. Va.	Jackson	Pell
Cannon	Keating	Proxmire
Carroll	Kefauver	Randolph
Case, N.J.	Long, Hawaii	Symington
Clark	Magnuson	Wiley
Dodd	McCarthy	Williams, N.J.
Douglas	McGee	Williams, Del.
Fong	McNamara	Young, Ohio

NAYS—40

Allott	Ervin	Saltonstall
Bennett	Fulbright	Schoeppel
Byrd, Va.	Goldwater	Scott
Capehart	Hill	Smathers
Carlson	Holland	Smith, Maine
Case, S. Dak.	Hruska	Sparkman
Church	Johnston	Stennis
Cooper	Jordan	Talmadge
Cotton	Kuchel	Thurmond
Dirksen	McClellan	Tower
Dworshak	Morton	Yarborough
Eastland	Mundt	Young, N. Dak.
Ellender	Robertson	
Engle	Russell	

NOT VOTING—18

Anderson	Hayden	Long, La.
Beall	Hickenlooper	Mansfield
Bridges	Javits	Miller
Butler	Kerr	Neuberger
Chavez	Lausche	Prouty
Curtis	Long, Mo.	Smith, Mass.

So Mr. McCARTHY's amendment was agreed to.

Mr. McCARTHY. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

Mr. HUMPHREY. I move to lay that motion on the table.

Mr. KUCHEL. I ask for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. Will the Chair state the question upon which the yeas and nays have now been ordered?

The PRESIDING OFFICER. The yeas and nays have been ordered on the question of laying on the table the motion to reconsider the vote by which the Senate adopted the McCarthy amendment.

Mr. KUCHEL. So if a Senator wishes an opportunity to vote on the merits of the question, he will vote "nay" on the motion to lay on the table.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCARTHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARTHY. As I understood the inquiry of the Senator from California, it was that if a Senator wished to vote on the merits of the amendment, he would vote "nay." That is not a parliamentary inquiry.

Mr. KUCHEL. I said no such thing. I said if one wanted to vote—

Mr. MANSFIELD. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. LAUSCHE. On this vote I have a pair with the Senator from Arizona [Mr. HAYDEN]. If he were present, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Massachusetts [Mr. SMITH], and the Senator from Utah [Mr. MOSS], are absent on official business.

I also announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ] are absent because of illness.

On this vote, the Senator from Oklahoma [Mr. KERR] is paired with the Senator from Utah [Mr. MOSS]. If present and voting, the Senator from Oklahoma would vote "nay," and the Senator from Utah would vote "yea."

I further announce that, if present and voting, the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] is detained on official business.

If present and voting, the Senator from New York [Mr. JAVITS] would vote "yea."

On this vote, the Senator from Maryland [Mr. BEALL] is paired with the Senator from Nebraska [Mr. CURTIS]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Nebraska would vote "nay."

On this vote, the Senator from Vermont [Mr. PROUTY] is paired with the Senator from Iowa [Mr. HICKENLOOPER]. If present and voting, the Senator from Vermont would vote "yea," and the Senator from Iowa would vote "nay."

The result was announced—yeas 42, nays 41, as follows:

[No. 194]

YEAS—42

Aiken	Gore	McGee
Bartlett	Gruening	McNamara
Bible	Hart	Metcalf
Boggs	Hartke	Monroney
Burdick	Hickey	Morse
Bush	Humphrey	Muskie
Byrd, W. Va.	Jackson	Pastore
Cannon	Keating	Pell
Carroll	Kefauver	Proxmire
Case, N.J.	Long, Hawaii	Randolph
Clark	Long, La.	Symington
Dodd	Magnuson	Williams, N.J.
Douglas	Mansfield	Williams, Del.
Fong	McCarthy	Young, Ohio

NAYS—41

Allott	Ervin	Saltonstall
Bennett	Fulbright	Schoeppel
Byrd, Va.	Goldwater	Scott
Capehart	Hill	Smathers
Carlson	Holland	Smith, Maine
Case, S. Dak.	Hruska	Sparkman
Church	Johnston	Stennis
Cooper	Jordan	Talmadge
Cotton	Kuchel	Thurmond
Dirksen	McClellan	Tower
Dworshak	Morton	Wiley
Eastland	Mundt	Yarborough
Ellender	Robertson	Young, N. Dak.
Engle	Russell	

NOT VOTING—17

Anderson	Hayden	Miller
Beall	Hickenlooper	Moss
Bridges	Javits	Neuberger
Butler	Kerr	Prouty
Chavez	Lausche	Smith, Mass.
Curtis	Long, Mo.	

So the motion to lay on the table was agreed to.



Mr. McCARTHY. Mr. President, I ask for the regular order.

The PRESIDING OFFICER. The bill is open to further amendment.

Mr. KEATING. Mr. President, I call up my amendments designated "8-29-61—A." I ask unanimous consent that their reading be dispensed with.

The PRESIDING OFFICER. Without objection, the reading will be dispensed with; and without objection, the amendments will be printed in the RECORD.

The amendments are as follows:

On page 2, line 7, after the term "working conditions", add the words "and other terms and conditions of employment".

On page 2, line 8, after the term "foreign workers", add the following:

"For the purposes of this section the term 'other terms and conditions of employment comparable to those offered foreign workers' includes only—

"workmen's compensation or insurance against occupational hazards reasonably comparable to those afforded Mexican workers;

"guarantee of the opportunity to work during at least three-quarters of the work-days in the agreed term of employment;

"provision of basic subsistence when the opportunity to work is not available for extended periods;

"provision of transportation (for the worker only) from place of recruitment and return, or provision of reimbursement for such cost, in the ratio that the number of weeks worked bears to the total agreed term of employment and not to exceed a maximum of \$3 per week of employment."

The PRESIDING OFFICER. Debate on the amendment is limited to 10 minutes to each side.

Mr. KEATING. Mr. President, I shall try to be very brief. The time on this amendment is limited to 10 minutes to each side, but it may not be necessary to use all the time.

I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

Mr. KEATING. Mr. President, this amendment is very simple. It is backed by both the present administration and the previous administration, and is strongly urged by the Secretary of Labor, Mr. Goldberg, and by the former Secretary of Labor, Mr. Mitchell.

In substance, the amendment gives to U.S. workers the same privileges, insofar as working conditions are concerned, as those provided for Mexican workers, with the exception that the amendment does not provide for housing for American workers, which is provided for in the case of Mexican workers. With this exception, the amendment provides that as regards other working conditions, American workers are to receive the same treatment that Mexican workers receive. Specifically, there are four categories: The first is comparable insurance of workmen's compensation; the second is a work guarantee for an agreed term of employment, to which both the employee and the employer must adhere; the third is a guarantee of basic subsistence when no work is available; and the fourth is transportation of not to exceed \$3 a week per worker for work for any one employer.

In my opinion it is only simple justice that we offer American workers the same conditions of work that are required to be offered to Mexican workers under Public Law 78.

This amendment is strongly back by a large number of organizations, including the following: The National Council of Churches of Christ of the U.S.A., and many Protestant Denominations; National Catholic Rural Life Conference, and many other Catholic organizations; the AFL-CIO and its affiliated unions; the National Farmers Union; the Unitarian Fellowship for Social Justice, National Child Labor Committee; the National Consumers League; Department of Rural Education, National Education Association; National Advisory Committee on Farm Labor; National Council on Agricultural Life and Labor.

This proposal is not new. It grew out of the work of former Secretary of Labor Mitchell. I introduced it with his help in 1960 as an amendment to Public Law 78, which was extended for 6 months at that time. In offering it today—I have the support of the junior Senator from Minnesota, Senator McCARTHY, who also recommended this proposal as a part of the Mexican farm-labor bill supported by the new administration.

Why do we need to amend Public Law 78? This program was originally passed in a period of labor shortage during the Korean war. Since then it has been extended with no real revisions. The number of Mexicans working in the United States has in fact increased significantly. To a large part, this has simply meant bringing into the country a captive labor force that depresses the wages of American migrant farmworkers. Both Labor Secretary Goldberg and former Secretary Mitchell testified to this effect.

Who is hurt? American farmworkers are hurt. They are mostly Negroes. Many have limited educations. They have no homes and no roots. They are oppressed and mistreated in many instances.

Who else is hurt? American farmers in many parts of the country are hurt. They are producers in areas in which farmworkers receive better treatment and more protection. The higher costs of these advantages make it difficult to compete with regions in which wages are unrealistically low because of the Mexican program. Many eastern farmers, including farmers in New York State, suffer because of the competitive advantage of regions in which a readily available supply of Mexican workers forces down wage rates. Wages for migrants in parts of the South and Southwest are as low as 30 cents per hour. The most common rate in Texas, Arkansas, and Tennessee is 50 cents per hour. In these States, foreign workers represent about 30 percent of total seasonal employment. Average wages in the Rochester, N.Y., area are 80 cents to \$1 per hour. The Middle Atlantic States average is 89 cents; New England, \$1.

My amendment is not a sweeping mandate for Federal control. I repeat that it affects only farmers who use Mexicans. It is limited to four conditions. It com-

pletely excludes housing, which Mexicans get free of charge. It places a reasonable ceiling of \$3 per employer per week on transportation costs.

Mr. President, I am firmly convinced this amendment should be adopted if Public Law 78 is allowed to continue.

Mr. President, this amendment has nothing to do with fixing wages. Senators who were opposed to the preceding amendment said it would cause the Government to intrude into the matter of fixing wages. But all that the pending amendment does is provide that American workers shall be entitled to the same working conditions—except one—that Mexican workers are entitled to.

It is difficult for me to understand why this amendment would not receive strong support, and I hope it does.

Mr. President, I reserve the remainder of the time available to me.

Mr. McCARTHY. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. McCARTHY. I wish to join the Senator from New York in urging the Senate to adopt this amendment, which really proposes that American workers be treated about half as well as Mexican workers are treated.

Mr. KEATING. The Senator from Minnesota has stated the matter better than I have. Very frankly, knowing the opposition to any change in Public Law 78, we have framed this amendment in such a way that, as the Senator from Minnesota has said, the amendment would do only about half as much for American workers as now is done under this law for Mexican workers. Actually, I believe that American workers should have every bit as much protection as Mexican workers have. It is only because of the practicalities of the situation that the amendment has been drawn in the way it is.

Mr. JORDAN. Mr. President, how much time remains available?

The PRESIDING OFFICER. The Senator from New York has used only 5 minutes of the time under his control.

Mr. JORDAN. Does the Senator from New York wish to yield further time on his amendment?

Mr. KEATING. Mr. President, I think perhaps the Senator from North Carolina, who has charge of the time available to those in opposition, would like to use some of that time now. I have reserved the remainder of my time.

Mr. JORDAN. Perhaps the Senator from New York should continue to use his time.

The PRESIDING OFFICER. The Senator from New York is not compelled to use his time at this point.

Mr. JORDAN. Mr. President, from the time available to those in opposition to the amendment, I yield 1 minute to the Senator from California.

Mr. KUCHEL. First, I should like to ask the Senator from North Carolina whether this amendment was considered in the Committee on Agriculture and Forestry.

Mr. JORDAN. No, it was not.

Mr. KEATING. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN. I yield.



Mr. KEATING. I understood that the amendment was considered during the deliberations of the Committee on Agriculture and Forestry.

Mr. McCARTHY. Yes, that is right. It was incorporated as one of the major amendments to my bill, S. 1945, which was considered as part of the hearings, and there was testimony on it.

Mr. KEATING. That is my understanding.

Mr. JORDAN. The amendment of the Senator from New York was not specifically considered there.

Mr. KEATING. As offered by me, it was not. But it happens to be identical to a bill which I introduced this year and last at the request of Secretary Mitchell. It was offered in the committee by the Senator from Minnesota [Mr. McCARTHY], and he was the one who pushed it in the Agricultural Committee, of which I am not a member. But, as I understand, it was considered by the Committee on Agriculture and Forestry.

Mr. JORDAN. It was partially considered. The provisions of S. 1945 were somewhat different from this amendment.

Mr. McCARTHY. The question of consideration of the amendment may depend on what is considered to be consideration. There was discussion of it and there was testimony on it.

Mr. KUCHEL. Mr. President—

Mr. JORDAN. I yield.

Mr. KUCHEL. Mr. President, in the State from which I come there are many small farmers who do not find available American citizens to do the stoop labor and the other necessary farmwork during the short harvest seasons. Under the law, they are not permitted to obtain any temporary employment from abroad unless the Secretary of Labor determines there are no American citizens available for the work. That will continue to be the law if we have, in some fashion, a continuation of Public Law 78. But to tie down the additional requirements that the Senator from New York would write into this legislation, in the amendment before us, could conceivably almost prevent the small American farmer in the State from which I come, for example, from harvesting his crops. No one wants cheap domestic labor coming into this country from abroad. We in my State pay \$1.23 an hour, if my recollection serves me correctly, for agricultural employees.

The amendment should be voted down.

Mr. JORDAN. Mr. President, I yield 2 minutes to the Senator from Texas [Mr. TOWER].

Mr. TOWER. Mr. President, at this very moment Hurricane Carla is making her capricious and devastating way to our Texas coast. She will lay waste farms and counties that rely substantially on bracero labor. It will take a year to rebuild the farms. Now it is proposed to further hamstring these farmers in their efforts by amending the bracero bill in such a way that it will have the effect of killing the bill and killing the bracero program. We shall be doing a heartless thing to these farmers if we adopt the amendment of the Senator from New York.

Mr. KEATING. I yield half a minute to the Senator from Minnesota [Mr. McCARTHY].

Mr. McCARTHY. Mr. President, I do not think the hurricane in the Galveston area really has great bearing on the consideration of the bill. I would be glad to support a relief measure for Galveston, but I do not think we ought to provide for the exploitation of American and Mexican labor.

Mr. JORDAN. Mr. President, the possibilities of working out provisions somewhat along the lines of those contained in the Keating amendment were discussed, not only in the subcommittee, but in the full committee. The Committee on Agriculture and Forestry could not arrive at a solution of how the amendments could work.

The members of the Committee on Agriculture and Forestry and those who are supporting the bill certainly have no desire to hurt American migrant labor. Nobody thinks they are getting as much as they should or that their living conditions are all that they should be. But that has nothing to do with this bill. The bill before the Senate is a Mexican migratory labor bill which deals with Mexicans only. The Secretary of Labor must certify that American labor is not available before Mexican workers can be certified to work in this country.

One further thing should be pointed out as to what the amendment of the Senator from New York would do. Domestic labor can now come from 1 mile, 10 miles, or 1,000 miles away. There is no telling where they come from. A great many come in their own automobiles. Some travel in trailers and bring their whole families. Some come in busloads and travel from farm to farm. Domestic migrant laborers do not operate under contract, as Mexicans do. Mexicans are under contract with whoever hires them, in cooperation with the U.S. Government and employment agencies of the States, and they work for fixed sums. If the Mexican fails to live up to the terms of the contract which he has entered into, he is returned to Mexico. He has no choice about it. But farmers in this country do not make contracts with domestic migrant laborers. They are the type of people who help neighbors on their farms. They may go to an adjoining farm. But they are under no obligation to remain any definite period of time. So it would be impossible for those farmers to take out insurance and comply with the other conditions set forth in the amendment of the Senator from New York. The Secretary of Agriculture or the Secretary of Labor could not arrive at regulations to handle that situation.

Most of the States have adopted regulations which concern sanitation, housing, insurance, transportation, and a great many other conditions. Recently we passed in the Senate five bills introduced by the Senator from New Jersey [Mr. WILLIAMS] which will go a long way toward remedying some of the conditions under which migratory domestic laborers operate. We know those conditions are bad. We do not argue that they are not. One bill will provide

schools in areas where migrant laborers may stop for 1 day, or a week, or whatever time they may be there. We have gone a long way.

However, I do not think the Secretary of Labor, the Secretary of Agriculture, or the State authorities could possibly operate a program such as is proposed by the Keating amendment, and I think it would be a detriment to domestic labor to put the amendment into effect.

I oppose the amendment.

Mr. KEATING. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from New York has 4 minutes remaining.

Mr. KEATING. I shall not consume the entire 4 minutes. I wish to answer the argument made by the distinguished Senators from California and Texas. The argument made by the Senator from North Carolina is natural, because he is defending the bill. In my judgment, it is lacking in substance, though I have deep affection for the Senator from North Carolina.

The arguments made by the Senator from Texas and by the Senator from California were that this amendment would hit at the small operators. Those who employed *baceros*, for the most part, are the large corporate farms. The number of small farmers who employ *baceros* is very small indeed. They are employed mostly by the large corporate farms and associations.

Second, any farmer who employs *baceros* now must go through the process of first making a showing that he cannot get domestic workers. He must file an order for U.S. workers with the U.S. employment office. There must be known in some detail the terms of the job, along with the available housing, transportation facilities, the wage, and the content and duration of the job. If the amendment is adopted, it would not impose any further additional burdens upon any farmer, large or small.

The amendment would do one thing which it is difficult for me to see how the Congress of the United States can refuse to do, and that is give to U.S. workers on these farms the same consideration as to working conditions that are given to Mexican workers. The Senator from Minnesota has said it gives them half as much as the Mexican workers. Perhaps it is more than that, but it does not provide for domestic workers with regard to housing or wage rates.

If Members of the Senate will examine the amendment, they will see that it refers to four specified working conditions, every one of which we provide to Mexican workers.

All I ask is the same consideration for domestic workers that is given the foreign workers.

Mr. JORDAN. Mr. President, I yield 2 minutes to the Senator from Florida [Mr. HOLLAND].

Mr. HOLLAND. Mr. President, I oppose strongly the pending amendment. I recognize the good motives of the Senator who proposed it, but he simply does not know his subject. If Senators will look at the first condition applicable to



the employment of domestic workers at the bottom of the first page, the language requires "workmen's compensation or insurance against occupational hazards reasonably comparable to those afforded Mexican workers." This is an impossible condition because the domestic migratory farmworker is not employed for a definite period of time. He picks beans today on one farm, on another farm the next day, and on a third farm the next day. He goes wherever he wishes to go. He is not under a contract which holds him in one place, subject to being sent home if he does not observe the contract.

This is a perfectly impossible condition placed in the amendment.

The second provision is equally impossible. It says that the farmer must furnish a "guarantee of the opportunity to work during at least three-quarters of the workdays in the agreed term of employment."

Mr. President, there is not any agreed term of employment. There is simply the employment, from day to day, of such workers as may be available to supplement the regular Mexican workers whom the Government, in its wisdom, has permitted the particular farmer to employ.

There is no way in the world to work out that particular condition, when there is no fixed agreement and there is not a fixed term of employment.

The able Senator places in the amendment the provision of a guarantee of the opportunity to work during at least three-quarters of the workdays in the agreed-upon term of employment, before domestic workers can be secured. Mr. President, the Senator, with all good motives and every good intention, has presented an amendment which is simply impossible of performance because of the nature of the workers and the nature of the work they perform.

I hope the Senate will reject the amendment.

Mr. KEATING. Mr. President, how much time remains on this side?

The PRESIDING OFFICER. The Senator from New York has 1 minute remaining.

Mr. KEATING. Mr. President, the answer to the argument made by the distinguished Senator from Florida is simply that both conditions—all four of the conditions—are already required for the Mexican workers.

If these provisions are not workable with respect to U.S. workers, then they are not workable with respect to Mexican workers.

In order to take advantage of the program the employers must provide for the Mexican workers the workmen's compensation or insurance against occupational hazards. They must provide for the Mexican workers a guarantee of the opportunity to work during at least three-quarters of the workdays. They must provide for the Mexican workers basic subsistence when the opportunity to work is not available.

All I ask is that there be provided for the U.S. workers what is to be provided for the Mexican workers.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. The time of the Senator from New York has expired. The Senator from North Carolina has 1 minute remaining.

Mr. JORDAN. Mr. President, I yield 1 minute to the Senator from Florida.

Mr. HOLLAND. I should like to ask the Senator from New York if he does not realize that the Mexican workers come to the United States for a fixed term of employment under a contract which is, in effect, a contract between the Government of Mexico and our Government. Of course such things as workmen's compensation and an agreement that the workers will be paid for at least three-fourths of the time covered by the contract may be worked out in those circumstances. However, there are such things as peonage laws in our country. There is no assurance at all that any worker employed on a farm one day doing seasonal work—picking beans, hoeing cotton, hoeing corn—will be there the next day.

The amendment simply does not fit in with the American way of dealing with domestic farm employees, who can come and go as they wish, and who do exactly that.

Mr. KEATING. Mr. President, then the amendment would not apply. If there were not an agreed term of an employment the amendment would not apply.

The PRESIDING OFFICER. All time for debate has expired.

The question is on agreeing to the amendment offered by the Senator from New York [Mr. KEATING]. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. DIRKSEN (when his name was called). On this vote I have a pair with the distinguished Senator from New York [Mr. JAVITS]. If he were present and voting he would vote "yea." If I were at liberty to vote I would vote "nay." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. ANDERSON], and the Senator from New Mexico [Mr. CHAVEZ] are absent because of illness.

On this vote, the Senator from Arizona [Mr. HAYDEN] is paired with the Senator from Massachusetts [Mr. SMITH]. If present and voting, the Senator from Arizona would vote "nay," and the Senator from Massachusetts would vote "yea."

On this vote, the Senator from Oklahoma [Mr. KERR] is paired with the Senator from Oregon [Mrs. NEUBERGER]. If present and voting, the Senator from Oklahoma would vote "nay," and the Senator from Oregon would vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] is detained on official business.

If present and voting, the Senator from Nebraska [Mr. CURTIS], and the Senator from Iowa [Mr. HICKENLOOPER] would each vote "nay."

On this vote, the Senator from Maryland [Mr. BEALL] is paired with the Senator from Vermont [Mr. PROUTY]. If present and voting, the Senator from Maryland would vote "yea," and the Senator from Vermont would vote "nay."

The result was announced—yeas 35, nays 49, as follows:

[No. 195]  
YEAS—35

Boggs	Hartke	Morse
Burdick	Hickey	Pastore
Bush	Humphrey	Pell
Byrd, W. Va.	Jackson	Proxmire
Carroll	Keating	Randolph
Case, N.J.	Long, Hawaii	Saltonstall
Clark	Magnuson	Scott
Dodd	Mansfield	Smith, Maine
Douglas	McCarthy	Symington
Fong	McGee	Williams, N.J.
Gruening	McNamara	Young, Ohio
Hart	Metcalf	

NAYS—49

Alken	Ervin	Mundt
Allott	Fulbright	Muskie
Bartlett	Goldwater	Robertson
Bennett	Gore	Russell
Bible	Hill	Schoeppel
Byrd, Va.	Holland	Smathers
Cannon	Hruska	Sparkman
Capehart	Johnston	Stennis
Carlson	Jordan	Talmadge
Case, S. Dak.	Kefauver	Thurmond
Church	Kuchel	Tower
Cooper	Lausche	Wiley
Cotton	Long, La.	Williams, Del.
Dworshak	McClellan	Yarborough
Eastland	Monroney	Young, N. Dak.
Ellender	Morton	
Engle	Moss	

NOT VOTING—16

Anderson	Dirksen	Miller
Beall	Hayden	Neuberger
Bridges	Hickenlooper	Prouty
Butler	Javits	Smith, Mass.
Chavez	Kerr	
Curtis	Long, Mo.	

So Mr. KEATING's amendment was rejected.

Mr. KUCHEL. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. DIRKSEN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The committee amendment in the nature of a substitute is open to further amendment. If there be no further amendment to be proposed, the question is on agreeing to the committee amendment, as amended.

The committee amendment, as amended, was agreed to.

The PRESIDING OFFICER. The question now is on the engrossment of



the amendment and third reading of the bill.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. GORE. Mr. President, I ask for the yeas and nays on the passage of the bill.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass? On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Missouri [Mr. LONG], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senators from New Mexico [Mr. ANDERSON and Mr. CHAVEZ] are absent because of illness.

I further announce that, if present and voting, the Senator from New Mexico [Mr. ANDERSON], the Senator from New Mexico [Mr. CHAVEZ], the Senator from Arizona [Mr. HAYDEN], the Senator from Oklahoma [Mr. KERR], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] would each vote "yea."

Mr. KUCHEL. I announce that the Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senators from Iowa [Mr. HICKENLOOPER and Mr. MILLER] are absent on official business.

The Senator from Maryland [Mr. BEALL], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Vermont [Mr. PROUTY] are necessarily absent.

The Senator from Maryland [Mr. BUTLER] is detained on official business.

If present and voting, the Senator from Maryland [Mr. BEALL], the Senator from Nebraska [Mr. CURTIS], the Senator from New York [Mr. JAVITS], and the Senator from Vermont [Mr. PROUTY] would each vote "yea."

The result was announced—yeas 76, nays 9, as follows:

[No. 196]

YEAS—76

Aiken	Ellender	Magnuson
Allott	Engle	Mansfield
Bartlett	Ervin	McCarthy
Bible	Fong	McClellan
Boggs	Fulbright	McGee
Burdick	Goldwater	McNamara
Bush	Gruening	Metcalf
Byrd, Va.	Hart	Monroney
Byrd, W. Va.	Hartke	Morse
Cannon	Hickey	Morton
Capehart	Hill	Moss
Carlson	Holland	Mundt
Carroll	Hruska	Muskie
Case, N.J.	Humphrey	Pastore
Case, S. Dak.	Jackson	Pell
Church	Johnston	Proxmire
Clark	Jordan	Randolph
Dirksen	Kefauver	Robertson
Dodd	Kuchel	Saltonstall
Douglas	Lausche	Smathers
Dworschak	Long, Hawaii	Smith, Maine
Eastland	Long, La.	Sparkman

Stennis  
Symington  
Thurmond  
Tower

Wiley  
Williams, N.J.  
Williams, Del.

Yarborough  
Young, N. Dak.  
Young, Ohio

NAYS—9

Bennett  
Cooper  
Cotton

Gore  
Keating  
Russell

Schoeppel  
Scott  
Talmadge

NOT VOTING—15

Anderson  
Beall  
Bridges  
Butler  
Chavez

Curtis  
Hayden  
Hickenlooper  
Javits  
Kerr

Long, Mo.  
Miller  
Neuberger  
Prouty  
Smith, Mass.

So the bill (H.R. 2010) was passed.

Mr. JORDAN. Mr. President, I ask unanimous consent that the bill as passed be printed with the Senate amendments.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JORDAN. Mr. President, I move that the Senate insist upon its amendments, ask for a conference thereon with the House, and that the Chair appoint conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. JORDAN, Mr. ELLENDER, Mr. JOHNSTON, Mr. HOLLAND, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER conferees on the part of the Senate.

#### AID TO SCHOOLS IN FEDERALLY IMPACTED AREAS

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MANSFIELD. What is the pending business before the Senate?

The PRESIDING OFFICER. There is no unfinished business.

Mr. MANSFIELD. I move that the Senate proceed to the consideration of Calendar No. 749, S. 2393.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (S. 2393) to extend for 1 year the temporary provisions of Public Laws 815 and 874 relating to Federal assistance in the construction and operation of schools in federally impacted areas and to provide for the application of such laws to American Samoa.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana.

Mr. MORSE. Mr. President, in view of the interest in the impacted areas legislation and the expectation that a number of Senators will participate in the debate on both sides of the aisle, I ask unanimous consent that all staff members of the Senate Committee on Labor and Public Welfare be admitted to the floor to assist Senators. I further ask unanimous consent that Dr. Samuel Halperin, consultant to the Subcommittee on Education, be given floor privileges to assist me.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER. The question recurs on the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill.

#### CLARIFICATION OF STATUS OF CIRCUIT AND DISTRICT JUDGES RETIRED FROM REGULAR ACTIVE SERVICE

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives announcing its disagreement to the amendments of the Senate to the bill (H.R. 5255) to clarify the status of circuit and district judges retired from regular active service, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. EASTLAND. I move that the Senate insist upon its amendments, agree to the request of the House for a conference, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. EASTLAND, Mr. JOHNSTON, and Mr. HRUSKA conferees on the part of the Senate.

#### THE MOTION PICTURE "THE ANGRY SILENCE"

Mr. GOLDWATER. Mr. President, in their persistent and unrelenting assault on many of our Nation's most cherished traditions, American liberals have unceasingly sung the praises of "nonconformity." They have defended every effort to transform our most precious and venerable institutions with the loud assertion that these manifestations of "nonconformity" must be protected if free thought, intellectual vigor and mental initiative are to survive in the United States.

Interestingly enough, this enthusiastic zeal for the preservation of "nonconformity" never seems to extend to any proposition or activity that is contrary to any well-established liberal shibboleth. One of the most cherished of these shibboleths is that labor unions and labor union leaders are generally—except for a few atypical specimens like Jimmy Hoffa—on the side of the angels; that what they do is good, and that those who oppose or even criticize them are moved by evil or sinister motives.

Mr. President, my purpose in speaking at this time is to call the attention of the Senate, and of the public, to a motion picture which has just opened at the Ontario Theater in Washington. At the beginning of the year this film had run for a few weeks in New York City and had received the universal plaudits of the critics. Its reception in the Capital has been equally enthusiastic in the local press.

The picture is called "The Angry Silence." It was produced in Great Britain and is performed by actors unknown to me—at any rate, the cast includes no big-name film stars. It deals with an episode in the life of a British rank-and-file union member and his relations with his union. He is the hero of the film, and he is a true nonconformist. In what does his nonconformity exist? Does he shout the defeatist slogan "Better Red than dead?" No. Is he demanding an increase or expansion of socialized medicine? No. Is he loudly

87TH CONGRESS  
1ST SESSION

# H. R. 2010

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1961

Ordered to be printed with the amendment of the Senate

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## AN ACT

To amend title V of the Agricultural Act of 1949, as amended,  
and for other purposes.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*  
3       That section 502 (2) of the Agricultural Act of 1949, as  
4       amended, is amended to read as follows:

5       “(2) to reimburse the United States for essential  
6       expenses incurred by it under this title, except salaries  
7       and expenses of personnel engaged in compliance activ-  
8       ities, in amounts not to exceed \$15 per worker; and”.

9       SEC. 2. Clause (3) of section 503 of such Act is  
10      amended to read as follows: “(3) reasonable efforts have  
11      been made to attract domestic workers for such employment



1 at wages, standard hours of work, and working conditions  
2 comparable to those offered to foreign workers”.

3 SEC. 3. Sections 504 through 509 of such Act are re-  
4 numbered sections “506” through “511” respectively; the  
5 reference to “section 507” in section 508, renumbered as  
6 section “510”, is changed to section “509”; and the follow-  
7 ing new sections “504” and “505” are inserted after section  
8 503:

9 “SEC. 504. No workers recruited under this title shall  
10 be made available to any employer or permitted to remain in  
11 the employ of any employer—

12 “(1) for employment in other than temporary or  
13 seasonal occupations, except in specific cases when found  
14 by the Secretary of Labor necessary to avoid undue  
15 hardship; or

16 “(2) for employment to operate or maintain power-  
17 driven machinery, except in specific cases when found  
18 by the Secretary of Labor necessary for a temporary  
19 period to avoid undue hardship.

20 “SEC. 505. (a) No worker recruited under this title  
21 shall be made available to any employer or permitted to  
22 remain in the employ of any employer unless the employer  
23 offers and pays to such workers wages at least equivalent  
24 to 90 per centum of the average farm wage in the State  
25 in which the area of employment is located, or 90 per centum

1 of the national farm wage average, whichever is the lesser.

2 “(b) The determination of the average farm wage in a  
3 State and the national farm wage average required in (a)  
4 above shall be made by the Secretary of Labor, after consul-  
5 tation with the Secretary of Agriculture. In making these  
6 determinations, the Secretary of Labor shall consider, among  
7 other relevant factors, the applicable average farm wage rate  
8 per hour for workers who do not receive board and room,  
9 or such other appropriate information and data as may be  
10 available.”

11 SEC. 4. Section 505 of such Act, as amended, renum-  
12 bered as section “505”, is amended by adding at the end  
13 thereof the following:

14 “(d) Workers recruited under the provisions of this  
15 title shall not be subject to any Federal or State tax levied  
16 to provide illness or disability benefits for them.”

17 SEC. 5. Paragraph (1) of section 507 of such Act,  
18 renumbered as section “509”, is amended by changing the  
19 comma after the words “Internal Revenue Code, as  
20 amended” to a period and deleting the remainder of the  
21 paragraph.

22 SEC. 6. Section 509 of such Act, as amended, renum-  
23 bered as section “511”, is amended by striking “December  
24 31, 1961” and inserting “December 31, 1963”.



Passed the House of Representatives May 11, 1961.

Attest:

RALPH R. ROBERTS,

*Clerk.*

Passed the Senate with an amendment September 11,  
1961.

Attest:

FELTON M. JOHNSTON,

*Secretary.*





87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

H. R. 2010

---

# AN ACT

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To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 11, 1961

Ordered to be printed with the amendment of the  
Senate







The Post Office and Civil Service Committee reported without amendment H. R. 8565, to permit certain Government employees to elect to receive compensation in accordance with section 401 of the Federal Employees Pay Act of 1945, in lieu of certain compensation at a saved rate (H. Rept. 1168). p. 18028

The Subcommittee on Executive and Legislative Reorganization of the Government Operations Committee voted to report to the full committee H. R. 8798, relating to travel expenses of certain civilian officers and employees. p. D840

6. FARM LABOR. Rep. Coad objected to sending H. R. 2010, to extend and amend the Mexican farm labor program, to conference. p. 17950

7. FOREIGN AFFAIRS. Conferees were appointed on H. R. 8666, to provide for the improvement and strengthening of the international relations of the U. S. by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges. p. 17950

The Foreign Affairs Committee reported without amendment H. R. 9118, to establish a U. S. Arms Control Agency (H. Rept. 1165). p. 18028

8. FEED GRAINS. Rep. Fountain discussed the feed grains program, and said, "I am glad that I supported the feed grain program." pp. 18024-5

Rep. Smith, Iowa, discussed the feed grains program, saying, "When the administration early this year proposed the 1961 emergency feed grain program, its objective was to first improve farm income and second, to reduce Government costs. The September crop report clearly indicates that these two objectives have been fully achieved." pp. 18025-6

#### SENATE

9. PERSONNEL. The Post Office and Civil Service Committee reported with amendments S. 1732, to increase the limitation on the number of supergrade and high-level scientific positions (S. Rept. 977). p. 17820

Passed without amendment H. R. 6141, to limit to cases involving the national security the prohibition on payment of annuities and retired pay to officers and employees of the Federal Government. This bill will now be sent to the President. pp. 17935-46

10. YOUTH CONSERVATION CORPS. The Labor and Public Welfare Committee reported with amendments S. 404, to authorize the establishment of a Youth Conservation Corps of young men to assist in the conservation of natural resources (S. Rept. 976). pp. 17819-20

11. WATER COMPACTS. The Public Works Committee reported with amendment S. 856, to grant the consent of Congress to the Delaware River Basin Compact (S. Rept. 985). p. 17819

12. TRANSPORTATION. The Commerce Committee reported without amendment S. 2524, to extend until March 31, 1962, the authority for dual-rate contract agreements by steamship conferences (S. Rept. 979). p. 17819

Began debate on H. R. 6775, to extend indefinitely the authority for dual-rate contract agreements by steamship conferences. pp. 17946-8

13. RECLAMATION. The Interior and Insular Affairs Committee reported with amendments S. 1060, to authorize construction of the Oroville-Tonasket unit of the Okanogan-Similkameen division, Chief Joseph Dam project, Wash. (S. Rept. 973). p. 17819



The Irrigation and Reclamation Subcommittee of the Interior and Insular Affairs Committee approved for full committee consideration S. 2008, relating to the construction and operation of the Spokane Valley project. p. D839

14. MINERALS. The Interior and Insular Affairs Committee reported without amendment H. R. 2924, to repeal an act extending the time in which to file adverse claims and institute adverse suits against mineral entries in Alaska (S. Rept. 982). p. 17819
15. FORESTRY. The Interior and Insular Affairs Committee reported with amendments S. 1760, to provide for the establishment of the Great Basin National Park, Nev. (the bill as introduced provided for the transfer of national forest lands to the proposed park)(S. Rept. 983). p. 17819
16. EDUCATION. Passed with amendments S. 2393, to extend for 2 years the authority for Federal assistance for the construction and operation of schools in federally impacted areas and the National Defense Education Act (pp. 17827-32, 17834-5, 17837, 17844-910). By a vote of 80 to 7, agreed to an amendment by Sen. Monroney to extend the programs for a 2-year period (pp. 17879-910). By a vote of 40 to 45, rejected an amendment by Sen. Morse (for himself and Sen. Javits) to limit to a 1-year period assistance to schools in federally impacted areas (pp. 17900-01).
17. LABOR-HEW APPROPRIATION BILL FOR 1962. Agreed to the conference report and acted on amendments in disagreement on this bill, H. R. 7035. The bill will now be sent to the President. pp. 17910-6
18. FEED GRAINS. Sen. Keating referred to the latest report on probable feed grain production and contended that the feed grain program has "failed" since "Production has not been materially cut." p. 17825  
Sen. Proxmire defended the feed grain program and stated that "the value to feed grain producers and the U. S. taxpayer of the 1961 feed grain program, in contrast to the program which it replaced, was again demonstrated by the September crop report issued yesterday by the U. S. Department of Agriculture." pp. 17918-9  
Sen. Humphrey defended the program as having "saved the Government of the United States millions of dollars" and stated that "Had there been no 1961 feed grain program, corn would be about ready to harvest from 71.5 million acres - as in 1960 - and grain sorghum would have been approximately 15.5 million." p. 17934
19. ELECTRIFICATION. Sen. Moss inserted an article on the controversy of public vs private construction of transmission lines between the dams of the Colorado River storage project, "Private Firms Score Big Point in Power Transmission Battle." pp. 17833-4
20. LEGISLATIVE PROGRAM. Sen. Mansfield announced that the foreign aid, public works, and supplemental appropriations bills will be considered as soon as they are reported from committee. pp. 17835-6

#### ITEMS IN APPENDIX

21. LIVESTOCK. Extension of remarks of Rep. Poage discussing the cattle branding, identification and inspection program in Texas. pp. A7146-7



# House of Representatives

TUESDAY, SEPTEMBER 12, 1961

The House met at 12 o'clock noon and was called to order by the Speaker pro tempore, Mr. McCORMACK.

The Chaplain, Rev. Bernard Braskamp, D.D., offered the following prayer:

This petition from the Lord's prayer (Matthew 6: 10): *Thy kingdom come.*

O Thou who art the Supreme Ruler of the Universe, inspire us to fix our minds and hearts upon that glorious time when the kingdom of the earth shall become the kingdom of our Lord and men everywhere shall own Thee as their Father and all their fellow men as brothers.

May we never become disheartened and lose sight of the splendor of Thy kingdom but help us to search diligently for signs and portents of that advancing day which tell us that truth and righteousness are marching on.

Grant that by the generous and gracious exercise of understanding and good will toward all men we may seek to remove those discords and dissensions among the nations which impede the progress of Thy kingdom and the fulfillment of our Lord's petition.

Hear us in His name. Amen.

## THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles (omitted from the RECORD of September 11, 1961):

H.R. 176. An act to amend section 331 of title 28 of the United States Code so as to provide for representation on the Judicial Conference of the United States;

H.R. 2816. An act for the relief of CWO James M. Cook;

H.R. 3606. An act for the relief of William C. Winter, Jr., lieutenant colonel, U.S. Air Force (Medical Corps);

H.R. 3863. An act for the relief of Woody W. Hackney of Fort Worth, Tex.;

H.R. 4369. An act for the relief of Henry James Taylor;

H.R. 4458. An act to authorize the Secretary of the Interior to replace lateral pipelines, line discharge pipelines, and to do other work he determines to be required for the Avondale, Dalton Gardens, and Hayden Lake Irrigation Districts in the State of Idaho;

H.R. 5182. An act for the relief of Charles P. Redick;

H.R. 5569. An act for the relief of Ralph E. Swift and his wife, Sally Swift;

H.R. 6667. An act to amend the act of August 16, 1957, relating to microfilming of papers of Presidents of the United States, to remove certain liabilities of the United States with respect to such activities;

H.R. 6996. An act for the relief of Harry Weinstein;

H.R. 7264. An act for the relief of M. C. Pitts;

H.J. Res. 109. Joint resolution designating the 17th day of December 1961 as "Wright Brothers Day"; and

H.J. Res. 499. Joint resolution authorizing a celebration of the American patent system.

The message also announced that the Senate had passed with an amendment in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 2010. An act to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The message also announced that the Senate insists upon its amendment to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JORDAN, Mr. ELLENDER, Mr. JOHNSTON, Mr. HOLLAND, Mr. AIKEN, Mr. YOUNG of North Dakota, and Mr. HICKENLOOPER to be the conferees on the part of the Senate.

The message also announced that the Senate had passed bills, a joint resolution, and a concurrent resolution of the following titles in which the concurrence of the House is requested:

S. 1274. An act for the relief of the widow of Julian E. Gillespie;

S. 1761. An act to amend the act of March 3, 1901, relating to divorce, legal separation, and annulment of marriage in the District of Columbia;

S. 2488. An act to increase the number of apprentices authorized to be employees of the Government Printing Office, and for other purposes;

S.J. Res. 132. Joint resolution extending recognition to the International Exposition for Southern California in the year 1966 and authorizing the President to issue a proclamation calling upon the several States of the Union and foreign countries to take part in the exposition; and

S. Con. Res. 40. Concurrent resolution authorizing the printing as a Senate document of the 40th biennial meeting of the Convention of American Instructors of the Deaf; and providing for additional copies.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 739) entitled "An act to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. JOHNSTON, Mr. MONRONEY, Mr. CLARK, Mr. FONG, and Mr. BOGGS to be the conferees on the part of the Senate.

The message also announced that the Senate disagrees to the amendments of the House to the concurrent resolution (S. Con. Res. 14) entitled "Concurrent

resolution saluting 'Uncle Sam' Wilson, of Troy, N.Y., as the progenitor of America's national symbol of 'Uncle Sam,'" requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. McCLELLAN, Mr. KEATING, and Mr. COTTON to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to a bill of the Senate of the following titles:

S. 279. An act to provide Federal assistance for projects which will demonstrate or develop techniques and practices leading to a solution of the Nation's juvenile delinquency control problems.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 4998) entitled "An act to assist in expanding and improving community facilities and services for the health care of aged and other persons, and for other purposes," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HILL, Mr. YARBOROUGH, Mr. WILLIAMS of New Jersey, Mr. PELL, Mr. JAVITS, and Mr. CASE of New Jersey to be the conferees on the part of the Senate.

The message also announced that the Senate insists upon its amendments to the bill (H.R. 5255) entitled "An act to clarify the status of circuit and district judges retired from regular active service," disagreed to by the House; agrees to the conference asked by the House on the disagreeing votes of the two Houses thereon, and appoints Mr. EASTLAND, Mr. JOHNSTON, and Mr. HRUSKA to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 7916) entitled "An act to expand and extend the saline water conversion program being conducted by the Secretary of the Interior."

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the bill (S. 1653) entitled "An act to amend title 18, United States Code, to prohibit travel or transportation in commerce in aid of racketeering enterprises."

HOUSE MEETS AT 10 O'CLOCK A.M. ON SEPTEMBER 13

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 10 o'clock tomorrow.



The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### COMMITTEE ON APPROPRIATIONS: SUPPLEMENTAL APPROPRIATION BILL, 1962

Mr. THOMAS. Mr. Speaker, I ask unanimous consent that the Committee on Appropriations may have until midnight tonight to file a report on the supplemental appropriations bill, 1962.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOW. Mr. Speaker, I reserve all points of order on the bill.

#### EDUCATIONAL AND CULTURAL EXCHANGES

Mr. HAYS. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 8666) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges, with a Senate amendment thereto, disagree to the amendment of the Senate and agree to the conference asked by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

The Chair hears none and appoints the following conferees: Messrs. HAYS, FARSTEIN, MONAGAN, ADAIR, and SEELY-BROWN.

#### AMENDING CIVIL SERVICE RETIRE- MENT ACT

Mr. MURRAY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 739) to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, with House amendments thereto, insist upon the amendments of the House, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

The Chair hears none, and appoints the following conferees: Messrs. MURRAY, MORRISON, and CORBETT.

#### AMENDING TITLE V OF THE AGRICULTURAL ACT OF 1949

Mr. POAGE. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, with Senate amendment thereto, disagree to the Senate amendment, and agree to the conference requested by the Senate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas [Mr. Poage]?

Mr. COAD. Mr. Speaker, I object.

#### DEPARTMENTS OF STATE AND JUSTICE, THE JUDICIARY, AND RELATED AGENCIES APPROPRIATION BILL—1962

Mr. ROONEY. Mr. Speaker, I call up the conference report on the bill (H.R. 7371) making appropriations for the

Departments of State and Justice, the judiciary, and related agencies for the fiscal year ending June 30, 1962, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

The Clerk read the statement.

(For conference report and statement, see proceedings of the House of September 11, 1961.)

Mr. ROONEY. Mr. Speaker, I should like to briefly explain the action of the managers on the part of the House in the conference with the other body on the pending bill, H.R. 7371, making appropriations for the Departments of State and Justice, the Judiciary, and related agencies for fiscal year 1962.

Mr. Speaker, the conference report now before the House for adoption carries the total amount \$756,422,550. This amount is \$39,468,652 less than the total budget estimates of \$795,891,202 for the items in this bill. The amount carried in the conference report is \$5,122,500 more than the amount contained in the bill when it was passed by this body. However, of this amount approximately 40 percent is allowed only for expenditures by the use of foreign currencies. Also, \$586,000 of this is occasioned by the extension of the Civil Rights Commission.

Mr. Speaker, compared with the bill as passed by the other body, the amount now recommended in the conference report is \$5,616,000 less than the total amount approved by the other body.

The following is a summary of the action taken with regard to the Departments of State and Justice, the Judiciary, and related agencies appropriations bill for fiscal year 1962:

Item	Budget estimates	Passed House	Passed Senate	Conference action	Conference action compared with—		
					Budget estimate	House	Senate
Department of State.....	\$289,675,000	\$267,478,000	\$272,695,000	\$269,717,000	-\$19,958,000	+\$2,239,000	-\$2,978,000
Department of Justice.....	298,384,000	294,239,900	294,489,900	294,489,900	-3,894,100	+250,000	-----
The Judiciary.....	56,050,202	54,497,650	55,064,650	54,777,650	-1,272,552	+280,000	-287,000
U.S. Information Agency.....	151,480,000	134,782,000	138,901,000	136,550,000	-14,930,000	+1,767,500	-2,351,000
Civil Rights Commission.....	302,000	302,500	888,000	888,000	+586,000	+586,000	-----
Grand total.....	795,891,202	751,300,050	762,038,550	756,422,550	-\$39,468,652	+\$5,122,500	-5,616,000

Mr. Speaker, I briefly yield to the distinguished gentleman from Ohio [Mr. Bow] and ranking minority member of the subcommittee.

Mr. BOW. Mr. Speaker, I thank the gentleman for yielding to me. I should like to say simply that we are in full agreement with the conference report. There are no items with which the minority is in disagreement.

Mr. BECKER. Mr. Speaker, will the gentleman from New York yield to me?

Mr. ROONEY. I yield to the distinguished gentleman from New York.

Mr. BECKER. I was unable to hear what was the difference between the bill passed by the House and the amount on

which we are about to act in the conference report.

Mr. ROONEY. The difference between the total amount passed by the House, to wit: \$751,300,050 and the total amount contained in the pending conference report, to wit: \$756,422,550 is \$5,122,500 more than the amount contained in the House bill, but of this \$5 million plus approximately 40 percent is to be used by expenditure of foreign currencies on deposit in the Treasury of the United States.

Mr. BECKER. I appreciate the gentleman's explanation.

Mr. ROONEY. I thank the gentleman from New York.

Mr. Speaker, I move the previous question.

The previous question was ordered.

The conference report was agreed to. The SPEAKER pro tempore. The Clerk will report the first amendment in disagreement.

The Clerk read as follows:

Senate amendment No. 20: Page 34, line 22, insert: "Provided further, That the unexpended balance of funds heretofore appropriated under the heading 'President's Special International Program' shall be merged with funds appropriated hereunder and accounted for as one fund."

Mr. ROONEY. Mr. Speaker, I offer a motion.







# Digest of CONGRESSIONAL PROCEEDINGS

OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
should not be quoted  
or cited).

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**HIGHLIGHTS:** House Rules Committee reported measure to send Mexican farm labor bill to conference. Senate committee reported foreign aid appropriation bill. Both Houses agreed to conference report on State-Justice appropriation bill. House agreed to conference report on saline water conversion bill. House passed public works appropriation bill. House debated Peace Corps bill.

## HOUSE

- 1. SALINE WATER.** Agreed to the conference report on H. R. 7916, to expand and extend the saline water conversion program being conducted by the Secretary of the Interior. This bill will now be sent to the President. pp. 18050-1
- 2. FARM LABOR.** The Rules Committee reported a resolution to send H. R. 2010, to extend the Mexican farm labor program, to conference. pp. 18036, 18085
- 3. APPROPRIATIONS.** Acted on amendment in disagreement on H. R. 8302, the military construction appropriation bill. p. 18032  
By a vote of 377 to 31, passed with amendments H. R. 9076, the public works appropriation bill. Earlier rejected, 182 to 224, a motion to recommit. pp. 18034-5
- 4. ATOMIC ENERGY.** By a vote of 155 to 251, rejected the conference report on H. R. 7576, to authorize appropriations for AEC. Agreed to a motion that the House insist on its disagreement to the Senate amendment. pp. 18036-44
- 5. SMALL BUSINESS.** Received the conference report on H. R. 8762, to amend the Small Business Act to increase the amount available for regular business loans



thereunder (H. Rept. 1180). pp. 18055-7

6. FOREIGN TRADE. Passed as reported S. 2325, to permit the Export-Import Bank to issue guarantees and insurance where private enterprise will not issue them. pp. 18057-9

The "Daily Digest" states that the Ways and Means Committee "Met in executive session and instructed the chairman to introduce a clean bill to supersede H. R. 8691, to amend the Tariff Act of 1930 and certain related laws to provide for the restatement of the tariff classification provisions. The committee will meet Thursday, September 14, in executive session, to consider ordering the clean bill (H. R. 9189) reported." p. D846

7. PEACE CORPS. Began debate on H. R. 7500, to establish on a permanent basis the Peace Corps. pp. 18059-76

8. LOBBYING. Received the quarterly report on lobbying for the first calendar quarter of 1961. pp. 18087-117

#### SENATE

9. APPROPRIATIONS. The Appropriations Committee reported with amendments H. R. 9033, the foreign aid appropriation bill for 1962 (S. Rept. 991), and H. R. 8072 the D. C. appropriation bill for 1962 (S. Rept. 993). p. 18119

Both Houses agreed to the conference report on H. R. 7371, the State-Justice appropriation bill for 1962, and acted on amendments in disagreement. This bill will now be sent to the President. pp. 18032-4, 18199-201

10. TRANSPORTATION. Debated H. R. 6775, to continue the authority for dual rate contracts by steamship conferences. pp. 18128-34, 18156-99

11. CORN. Sen. Miller stated that there has been "serious underestimates of corn production coming from the Department of Agriculture," and inserted an article, "See Corn High of 73 Bushels," predicting that "Iowa farmers are going to top-ple a trio of significant corn and soybean marks this fall." pp. 18143-4

12. DAIRY PRODUCTS. Sen. Miller inserted an editorial stating that "there was 29 percent more surplus of dairy products on July 31 of this year than as of 1 year ago," and contending that "It is economic folly to raise price supports to levels that stimulate excessive production of commodities for which there is no real consumer demand at the higher price." p. 18143

13. PEANUT RESEARCH. Sen. Talmadge inserted an article commending Sen. Russell for his efforts in the establishment of a National Peanut Research Center in Dawson, Ga. pp. 18145-6

14. FORESTRY; PERSONNEL. Sen. Thurmond inserted an article stating that Don Caron, a Forest Service District Ranger in the Okanogan Forest, Wash., "submitted his resignation after the Portland regional office, supported by the local administration of the Okanogan Forest, directed him to discontinue writing educational articles against communism," and his letter to Forest Service Chief McArdle asking "by what authority the regional forester has demanded that Mr. Caron discontinue this activity." pp. 18202-4

15. MANPOWER TRAINING. Sen. Clark expressed hope that reports that the House will not act this session on the proposed Manpower Development and Training Act "are inaccurate and that the House of Representatives will still find time to act on this important measure," and inserted an article supporting the bill and a series of reports by the Bureau of Labor Statistics summarizing European

87TH CONGRESS <i>1st Session</i>	}	HOUSE OF REPRESENTATIVES	}	REPORT No. 1176
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TAKING H.R. 2010 FROM THE SPEAKER'S TABLE AND  
AGREEING TO THE CONFERENCE

---

SEPTEMBER 13, 1961.—Referred to the House Calendar and ordered to be printed

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Mr. SISK, from the Committee on Rules, submitted the following

REPORT

[To accompany H. Res. 455]

The Committee on Rules, having had under consideration House Resolution 455, report the same to the House with the recommendation that the resolution do pass.







# House Calendar No. 161

87<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

## H. RES. 455

[Report No. 1176]

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### IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 13, 1961

Mr. SISK, from the Committee on Rules, reported the following resolution;  
which was referred to the House Calendar and ordered to be printed

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## RESOLUTION

1       *Resolved*, That immediately upon the adoption of this  
2 resolution the bill (H.R. 2010) to amend title V of the  
3 Agricultural Act of 1949, as amended, and for other pur-  
4 poses, with the Senate amendment thereto, be, and the  
5 same hereby is, taken from the Speaker's table, to the  
6 end that the Senate amendment be, and the same is  
7 hereby, disagreed to and that the conference requested by the  
8 Senate on the disagreeing votes of the two Houses be, and  
9 the same is hereby, agreed to.



87TH CONGRESS  
1ST SESSION

# H. RES. 455

[Report No. 1176]

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## RESOLUTION

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Taking H.R. 2010 from the Speaker's table  
and agreeing to the conference.

---

By Mr. Sisk

---

SEPTEMBER 13, 1961

Referred to the House Calendar and ordered to be  
printed







Increases by 419 the number of positions in grades GS-18, GS-17, and GS-16 which will be available to the Civil Service Commission for distribution to the various departments and agencies, of which 100 are to be held in reserve for use only upon determination by the President of their initial need. Provides for an increase of 29 positions in GS-18, 102 in GS-17, and 188 in GS-16.

Increases by 259 the number of Public Law 313 positions (\$12,500 to \$19,000) the heads of departments and agencies are authorized to establish, including 3 (from 15 to 18) for this department, 3 (from 5 to 8) for Interior, 3 (from 10 to 13) for HEW, and 3 (from 25 to 29) for Commerce.

The Armed Services Committee reported with amendments H. R. 8765, to amend and clarify the reemployment provisions of the Universal Military Training and Services Act (S. Rept. 1070). p. 18522

1. EDUCATION. The Labor and Public Welfare Committee reported with amendments S. 1241, to authorize Federal assistance to institutions of higher education in financing the construction and improvement of facilities (S. Rept. 1072). p. 18522
2. MINERALS. Passed without amendment H. R. 2924, to repeal an act extending the time in which to file claims and institute adverse suits against certain mineral entries in Alaska. This bill will now be sent to the President. p. 18510  
The Interior and Insular Affairs Committee submitted a supplemental report on S. 1747, to stabilize the mining of lead and zinc in the U. S. (S. Rept. 1073). p. 18522
3. FOOD DISTRIBUTION. Sen. Bennett referred to the "fantastic increase in the number of people getting free food from the Federal Government," stated that the "laxness of the agencies administering this program and the willingness of the administration to hand out commodities on a grandiose scale without regard to need, are a national disgrace," and inserted an article on this matter. pp. 18450-2
4. WHEAT. The names of Sens. Yarborough and Jackson were added as cosponsors of S. 2535, to amend the Agricultural Adjustment Act of 1938 so as to establish a marketing program for wheat. p. 18402
5. TRANSPORTATION. Sen. Morton was excused from serving as a conferee on H. R. 6775, to authorize dual rates for steamship conferences. p. 18402
6. FOOD AND DRUG. Received from GAO a report on the review of the enforcement and certification activities of the Food and Drug Administration. p. 18400

#### HOUSE - SEPT. 15

7. APPROPRIATIONS. By a vote of 218 to 15, passed with amendments H. R. 9169, the supplemental appropriation bill. On a point of order by Rep. Thomas, deleted from the bill \$168,000,000 for the Area Redevelopment Administration. pp. 18531-46  
Conferees were appointed on H. R. 9033, the foreign aid appropriation bill. p. 18558  
Conferees were appointed on H. R. 8302, the military construction appropriation bill. Senate conferees have already been appointed. p. 18573  
Received the conference report on H. R. 8072, the D. C. appropriation bill (H. Rept. 1195). pp. 18592-3  
Rep. Cannon inserted a table showing the status of all appropriation bills in this session of Congress. pp. 18573-5



18. FARM LABOR. Received the conference report on H. R. 2010, to extend the Mexican farm labor program (H. Rept. 1198) (pp. 18577-8). Earlier, by a vote of 243 to 135, agreed to send this bill to conference (pp. 18552-7).
19. CULTURAL EXCHANGE. Received the conference report on H. R. 8666, to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges (H. Rept. 1197). pp. 18558-63
20. FOREIGN TRADE. Passed as reported H. R. 8465, to prohibit the shipment in interstate or foreign commerce of articles imported into the United States from Cuba. pp. 18527-31
21. SMALL BUSINESS. Agreed to the conference report on H. R. 8762, to amend the Small Business Act to increase the amount available for regular business loans thereunder (pp. 18546-8). This bill will now be sent to the President.
22. POSTAL RATES. Began debate on H. R. 7927, to adjust postal rates. pp. 18564-73
23. LANDS. Received from the Interior Department a proposed bill "to repeal obsolete laws relating to military bounty land warrants and to provide for cancellation of recorded warrants"; to Interior and Insular Affairs Committee. p. 18594
24. POULTRY. Rep. Landrum spoke in favor of poultry legislation and inserted a proposed amendment to Federal legislation. pp. 18575-7
25. LEGISLATIVE ACCOMPLISHMENTS. Rep. Albert inserted a statement, "Summation of Legislative Accomplishments." pp. 18586-7

HOUSE - SEPT. 16

26. APPROPRIATIONS. Both Houses agreed to the conference report on H. R. 8072, the D. C. appropriation bill, and acted on amendments in disagreement. This bill will now be sent to the President. pp. 18600-1, 18660-1
27. FARM LABOR. Agreed to the conference report on H. R. 2010, to extend the Mexican farm labor program. pp. 18601-7
28. CULTURAL EXCHANGE. Agreed to the conference report on H. R. 8666, to provide for the improvement and strengthening of the international relations of the U. S. by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges (pp. 18600-1). This bill will now be sent to the President.
29. PEACE CORPS. Rep. James C. Davis objected to sending H. R. 7500, to provide for a Peace Corps, to conference. p. 18607
30. COMPACTS. Agreed to the Senate amendments to H. J. Res. 225, to grant the consent of Congress to the Delaware River Basin compact and to enter into such compact on behalf of the U. S. This bill will now be sent to the President. pp. 18607-17
31. PERSONNEL. As reported (see Digest 159), H. R. 7377, to increase the limitation on the number of supergrade and high-level scientific positions, includes provisions as follows:



Mexico—and has been repudiated by responsible citizens from all walks of life. In its present form, it is a black mark against the domestic policy of the United States—a black mark which should be erased as quickly as possible.

It seems incredible that the U.S. Government should continue to perpetuate such a program for the benefit of less than 2 percent of the farmers in the United States. Most of our farmers—98 percent of them—employ citizen labor exclusively. Yet, those who use foreign labor—chiefly large growers in a few southwestern and western States—have the audacity to tell the U.S. Congress that American workers will not do stoop labor on the farm. What is even more incredible is that some Members of Congress will believe these growers, despite all of the evidence to the contrary.

This is a program which makes a mockery of the free enterprise system. It says in effect that if U.S. workers refuse the rockbottom wages and working conditions offered them by farm employers, the U.S. Government will bring in poverty-stricken foreign workers to satisfy the employers' needs. Growers are fond of espousing their love for the free enterprise system and the law of supply and demand, but where, may I ask, does the law of supply and demand operate here? Under this program a rise in demand does not increase wages, it merely brings into the country an added supply of Mexican workers.

The effect such a program has on the workers who are displaced is disastrous. These depressed workers must pack their families, like cattle, into trucks, buses and jalopies and "hit the road." They must accept work wherever they can find it, and if the wages offered are too low for the combined efforts of the mothers and fathers to support their families, the children must go into the fields. If any of you have seen the conditions under which most of these citizen migratory laborers work and live, you know that it is not necessary to go abroad to see people living in adject poverty.

We represent the people of the United States. Can we put the American public into the position of condoning the importation of cheap labor from destitute foreign countries for the benefit of some of the richest agricultural producers in the world? Can this Nation, as the leader of the free world, remain smug in the belief that the rest of the world—the uncommitted nations—will remain blind to the fact that we are exploiting the poor both the United States and Mexico so that 51,000 American farmers—who are already receiving as much or more from the American taxpayers than any other group in our economy—can have cheap labor?

I hope that the House will answer these questions with a resounding "No." If it does, it will accept the bill already passed by the Senate, a bill which Secretary Goldberg has labeled reluctantly as "acceptable."

H.R. 2010, in the form in which is passed the House, has been denounced by such organizations as the National

Council of Churches in the United States, Catholic Welfare Conference, the bishops' committee on the Spanish speaking, the bishops' committee on migrant labor, the National Advisory Committee on Farm Labor, the Farmers Union, the Secretary of Labor, the present administration, the National Consumers League, the AFL-CIO, and the Joint United States-Mexico Trade Union Committee.

In the form in which it passed the House, this bill was supported by only one group, part—not all by any means—of the farm lobby. This segment of farm representatives has argued that Public Law 78 must be extended for an additional 2 years without providing any significant reforms although the administration and every disinterested study group has found that important reforms are necessary to protect our citizen farm workers.

In considering now this body's present attitude on this matter, we must keep in mind the deplorable conditions under which the majority of domestic farm laborers work and live. These workers earn an average of less than \$1,000 a year. They can find employment on only about half the days of each year. They are excluded from minimum wage, unemployment compensation, and most workmen's compensation legislation. In addition, they are excluded from laws which protect the right of workers to organize into unions and bargain with their employers.

They are the poorest of the poor in our society. Approximately 500,000 of them are forced to migrate from harvest to harvest in order to find employment. Many of them live in housing which is not fit for animals. Many have been killed while riding in overcrowded and unsafe buses and trucks. Because they are constantly on the move, their children are denied the opportunity to receive a decent education, and restrictive residence requirements deny them public health and welfare services. About the only thing these people have to call their own is their very lives.

Although the House-passed extension bill provided for no amendment, a number of useful changes have been passed by the Senate. These changes are as follows:

There are two amendments of an essentially technical character that, I am told, are not in dispute. One of these would place in the basic authorization the provision which for several years has been a part of the appropriation act providing for employer payment through the revolving fund of all essential expenses of the program except for salaries and expenses of employees engaged in compliance activities. The other non-controversial amendment would prevent the levying of taxes upon Mexican laborers for the support of disability insurance benefits when such taxes would represent a double charge upon the worker for benefits already assured him under the international agreement with Mexico.

Two other amendments added by the Senate are designed to make explicit

what were generally considered to be limitations on the use of Mexicans at the time the law was initially enacted. The effect of these amendments is to prevent the use of Mexican nationals for employment other than seasonal and temporary, or in the operation or maintenance of power-driven machinery.

Finally, the Senate bill contains an important substantive change based on experience during the 10 years the law has been in existence, to minimize the adverse effects upon the wages of U.S. workers.

The wage issue is the central issue Public Law 78 has, in fact, established a wage ceiling for thousands of U.S. farmworkers—at the wage level at which Mexican workers are made available. In many areas of the country this wage ceiling has remained at the level of 50 cents an hour—and it has been frozen at this rate for 10 years. Recognizing that this situation is indefensible, the Senate passed a bill which would lift this wage ceiling which the Mexican labor program has imposed on U.S. workers. It would do this by requiring that Mexican workers be paid no less than 90 percent of the average farm wage in the State or the Nation, whichever is the lesser.

This is a very moderate—yes, excessively moderate—remedy for the injustices traceable to Public Law 78.

Secretary Goldberg has stated that the Senate bill, although it does not comply with some major administration recommendations, is acceptable. He has also stated that the administration is against any extension of Public Law 78 unless it is appropriately amended to provide sorely needed protection for our own workers. The House might well consider all the ramifications of the Secretary's remarks.

(Mr. LAIRD asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. LAIRD. Mr. Speaker, I wish to express my endorsement of House Joint Resolution 576, concerning the observance of Cancer Progress Year in 1962, which was introduced by the gentleman from Rhode Island [Mr. FOGARTY].

The progress made against disease during the past quarter century, particularly among the more advanced civilizations and especially in this country, has been remarkable. It is true that in many parts of the world, the principal health problems still pertain to sanitation. In certain other areas the infectious diseases are of paramount importance. But in countries like ours where the problems of sanitation and infectious disease have been effectively overcome, we are dealing mostly with diseases and disabilities which are chronic in nature and a problem largely related to the process of aging.

There is no question that the Congress showed great wisdom in authorizing the Public Health Service to make a start on this new research responsibility as early as 1937 when the National Cancer Institute Act was adopted. It was at that very time that malignant diseases were moving into their present position as the



second leading cause of death, next to heart disease.

In observing, through Cancer Progress Year, the progress that has been made against cancer through medical research during the last 25 years, we should not lose sight of the obstacles still to be overcome in order to bring cancer under effective control. These problems are formidable, as research scientists well know. They will be solved only through continued research and public education. The National Cancer Institute and the American Cancer Society have exhibited splendid leadership in this great work and deserve the full support of the American people. I hope that the scientific and public educational projects to be conducted during Cancer Progress Year in 1962 will give every emphasis not only to the accomplishments of the past but also to those that must be realized in the future.

#### GENERAL LEAVE TO EXTEND

Mr. McCULLOCH. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to extend their remarks on the joint resolution just passed.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. SHRIVER. Mr. Speaker, I want to warmly endorse the designation of the 1962 calendar year as Cancer Progress Year in the United States. We are fully aware of the suffering and heavy toll of lives inflicted by this chronic disease each year.

I do not believe there are many families in this Nation which have not been touched by the dreaded cancer. A few years ago cancer and diseases of the heart and blood vessels accounted for more than 70 percent of the deaths in this country. The 1957 death rate for cancer was 149.6 higher than the 132.3 rate of 10 years earlier. The toll from cancer continues to rise.

Death rates do not reveal the full significance of cancer. It contributes to individuals suffering and family breakdown. It is a great drain on family and community resources.

There has been significant progress made in the diagnosis and treatment of the disease. But much remains to be done. The importance of early diagnosis has been stressed by public and private medical and health organizations.

I believe it is most appropriate for the Congress to designate 1962 as Cancer Progress Year. The educational value alone will be worthwhile. It has been said that advances in medicine cannot of themselves guarantee progress. But progress is assured when a responsible, informed public is prepared to take full advantage of the benefits modern medical care has to offer.

#### TITLE V OF THE AGRICULTURAL ACT OF 1949

Mr. SISK. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 455 and ask for its immediate consideration.

The Clerk read as follows:

*Resolved*, That immediately upon the adoption of this resolution the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, with the Senate amendment thereto, be, and the same hereby is, taken from the Speaker's table, to the end that the Senate amendment be, and the same is hereby, disagreed to and that the conference requested by the Senate on the disagreeing votes of the two Houses be, and the same is hereby, agreed to.

Mr. SISK. Mr. Speaker, I yield 30 minutes to the gentleman from California [Mr. SMITH]; and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 455 simply makes it in order to take H.R. 2010 from the Speaker's table and send the bill to conference.

Mr. Speaker, the particular legislation with which H.R. 2010 is concerned is somewhat controversial, dealing with our treaty with Mexico regarding the importation of Mexican nationals to do certain types of work in this country.

I feel that the legislation was adequately considered at the time it went through the House. We are confronted with the situation where the other body, after having considered the legislation, made certain amendments thereto. I think it is in the best interests of good legislation that the conferees be permitted to sit down together in an effort to work out a reasonable compromise, which I am sure they can do. Because of that I hope the House will adopt House Resolution 455.

Mr. SMITH of California. Mr. Speaker, I yield myself such time as I may desire.

(Mr. SMITH of California asked and was given permission to revise and extend his remarks.)

Mr. SMITH of California. Mr. Speaker, as stated by the gentleman from California [Mr. SISK] this bill will provide for sending the bill H.R. 2010 to conference, objection having been made the other day to that action being taken. This bill was somewhat controversial on the floor. I think the Senate has placed some amendments in it which will tend to ease the objections of some of the people. I know of no reason why this rule should not be adopted. I hope it will be, and that the bill will be sent immediately to conference so that it can be worked out between now and adjournment.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from Iowa [Mr. COAD].

(Mr. COAD asked and was given permission to revise and extend his remarks.)

Mr. COAD. Mr. Speaker, I certainly want to express my appreciation to the gentleman from California [Mr. SISK] for the time he has made available so that this matter can at least be presented to the House.

What we are doing here is adopting a resolution making it in order for this bill to go to conference. What we are talking about is a program that involves Americans who have been tossed to and fro by the ebb and flow of the tides of

seasonal labor. We are talking here about a program that affects adversely many unfortunate people in our country. From 1952 to 1959, while wages of all the rest of this country have been going up, the wage of the migratory worker has been going down a total of 18 percent on an adjusted basis.

The Mexican farm labor program, as it has been exercised during these years, has placed a virtual ceiling upon the wage of our migratory workers who are citizens of this country. There are those who are saying, "We have migratory farm labor bills before the Congress." That is true, but every one of us knows that none of those bills will see the light of day in this House before we adjourn sine die.

I believe that as our conferees go into the conference they ought to look well to the Senate bill, which is the amended H.R. 2010, for it gives just a little bit—and mind you, I must stress "little"—just a little bit of the relief that is demanded and certainly needed on the part of our domestic migratory workers.

Why is there such pressure for a mere and a simple extension of Public Law 78? Obviously there are those who do not want to amend it because if it is amended in any degree it will affect them economically, even though to amend it would help the economic plight of our depressed domestic migratory workers. Only 2 percent of the farm operators in this country use Mexican farm labor and, obviously, as you look at the statistics, these are large operators.

We are not talking about the depressed American farm, we are talking about those who own and operate large farm holdings.

As compared with the bill passed by the House, which consisted only of changing the termination date of the Mexican farm labor program, the bill passed by the Senate would make the following changes:

First. It would incorporate in the act an existing appropriation act provision which requires that all expenses of the program, except for compliance activities, be paid out of the revolving fund contributed by employers. This is a technical amendment which, I understand, is not in dispute.

Second. The Senate bill would require that, before being authorized to employ Mexican workers, an employer should offer to domestic workers working conditions comparable to those offered to Mexican workers. This is a very minor amendment, which judging from the Senate committee report, applies only to such physical conditions as safety measures. It specifically does not include terms of employment such as housing, transportation, subsistence, and work guarantees.

Third. It would prohibit the employment of Mexican workers in other than temporary or seasonal occupations or in the operation or maintenance of power-driven machinery. This amendment confirms what is generally considered to be the law's purpose when it was first enacted.

Fourth. The Senate bill provides that Mexican workers shall not be employed



unless the employer pays them at least 90 percent of the average farm wage in the State of employment or 90 percent of the average farm wage in the Nation, whichever is the lesser. This provision, which bases the bracero wage on the wage prevailing among agricultural workers generally in the entire State—or Nation—is of course designed to avoid some of the wage-depressing effect that the Mexican program has had upon the wages of U.S. migratory workers. It is not sufficiently recognized that while everything in our economy has been going up, including the wages of farmworkers generally, the wages of migratory farmworkers have actually been going down since Public Law 78 was passed.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield the gentleman 2 additional minutes.

Mr. COAD. Mr. Speaker, this decline in wages in the face of continued shortage of this type of labor is attributable in large part to the depressing effect of the Mexican labor program.

Mr. GATHINGS. Mr. Speaker, will the gentleman yield?

Mr. COAD. I yield to the gentleman from Arkansas.

Mr. GATHINGS. The gentleman stated that the wages of migratory labor on the farm had been going down. Is that what I understood the gentleman to say, that wages of migratory workers on the farm have been going down in recent years?

Mr. COAD. On an adjusted basis for this period of time, wages have gone down from 1952 to 1959 to the extent of 18 percent.

Mr. GATHINGS. I have in my hand a report issued by our Committee on Agriculture of which the gentleman is a member. On page 5 of the report, it says:

Farm wages in U.S. agriculture have increased steadily. In 1950, the index of farm wages published by the U.S. Department of Agriculture was 432—using 1909 to 1914 equaling 100.

In 1960, that figure of 432 had moved up to 629, or an increase of 46 percent.

Mr. COAD. I am very glad we agree that in general, farm wages have gone up because what I said is that everything in our economy has been going up, including the wages of farmworkers generally—generally farm wages have been going up—but the wages of migratory workers have not been going up. On an adjusted basis, in the 7 years from 1952 to 1959, migratory farm wages have gone down to the extent of 18 percent in those 7 years. I have this information from the Department of Labor, which I received just the day before yesterday. I did not say that farm wages themselves have gone down. Generally, they have gone up. I concede that point, but the wages of migratory workers have not gone up. They are the ones who have borne the brunt of the Mexican farm labor program. That is the point we have been trying to get across before this Congress.

Fifth. Finally, there is a technical amendment, which I understand is not

in dispute, designed to assure that Mexican workers are not taxed double for health insurance benefits already provided for them.

There is ample reason here for acceptance of the Senate version. It is only a matter of elemental justice that the wage depressing effect be remedied. Secretary Goldberg has said:

As you know, the effect of the Mexican program in many areas has been to place a ceiling on the wages offered to U.S. workers, at the wage level at which Mexican workers are made available. Where an ample supply of workers (Mexicans) are available at 50 cents per hour, for instance, employers do not voluntarily offer to pay higher wages. The consequence of this system is that it has established a wage ceiling for U.S. workers often at only 50 cents per hour. In many areas using a significant number of Mexican workers this wage ceiling has remained frozen at this level for 10 years, as the direct result of the Mexican labor program. This is the fundamental vice of the present Mexican labor program and the committee bill, H.R. 2010, does nothing to correct it.

There is, of course, another important reason for acceptance of the Senate bill. That reason is this. As we approach the end of this legislative session, acceptance of the Senate bill is the one sure way that we can be assured of enactment at this session of any extension of Public Law 78. The administration has made clear that this program should be extended only if properly reformed. It has made clear that the central reform involved is the wage reform which the Senate has added to this legislation.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SISK. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. COHELAN].

(Mr. COHELAN asked and was given permission to revise and extend his remarks and include extraneous matter.)

Mr. COHELAN. Mr. Speaker, I want to at this time thank my colleagues, the gentlemen from California [Mr. SISK, Mr. SMITH, and Mr. TEAGUE] for their courtesy in this matter.

All that we are trying to do is to ask the House not to send this bill to conference, because a conference is simply not needed. As you may remember, at the time we debated the bill in the House I registered my vigorous opposition to the measure. I still am opposed to the bill. I think the measure as passed by this House is bad. I think it is a most important thing that we, as fast as we can, get rid of this particular kind of legislation. May I remind the House that 54 percent of all farmers in this country hire no domestic labor at all. Of those farmers who hire workers over 40 percent hire domestic labor. And, as the gentleman from Iowa has pointed out, there is only a small group in the country, less than 2 percent, who are involved in this practice of hiring Mexican labor.

All we have to do today is to adopt the Senate bill and you have the extension that some of you want so badly. But you will have also done something decent by establishing at least a prevailing wage standard in the local labor market area.

Mr. Speaker, I am opposed to this resolution which would send H.R. 2010 to conference for the following reasons:

Through Secretary of Labor Arthur Goldberg, the administration has stated on numerous occasions that there should be no extension of Public Law 78 unless the law is amended to provide sorely needed protection for our own migratory farmworkers and their families. The gentleman from Iowa [Mr. COAD] introduced a bill on behalf of the administration, which would have provided such protection. This House, you will remember, rejected this bill, and passed a mere 2-year extension of the program.

The Senate has, however, adopted some of the administration's requests, chief of which is the McCarthy wage amendment. Although the Senate bill would be a vast improvement over the simple extension passed by the House, it is my opinion that neither bill is adequate. I recognize the fact that Secretary Goldberg has stated that if the McCarthy amendment remains in the bill, a 2-year extension of the program would be acceptable to the administration. It is my opinion, however, that there is no need to rush on this program.

I believe it would be the better part of wisdom to let this bill lay over until the second session of Congress when we could take a fresh look at the whole program and come up with a bill that resolves once and for all the many inequities that now exist in the law. After all, the House has deferred action on the five bills passed by the Senate which would be of aid to American migratory farmworkers and their families. The reason, furthermore, that the House has seen fit to defer action on these bills is to make certain that it has time to make a thorough examination of the legislation. By the same token, I believe that the House should follow the same procedure in regard to Public Law 78. There will be adequate time during the second session of the Congress to come up with a good bill in time to meet peak harvesting needs. Very few Mexican nationals, in fact, are employed during the months of January, February, and March, while during the same period there is a substantial surplus of unemployed domestic farmworkers.

I believe this is important legislation—so important that an inferior bill should not be pushed through the Congress at the last minute. This point was stated sharply in an editorial that appeared in Tuesday's New York Times, which I would like to quote from briefly:

The Senate's decision to put safeguards for the wages of domestic farmworkers into its proposed extension of the Mexican farm labor program represents a bow to decency in what has long been an area of national disgrace \* \* \*. If, as seems likely, the conferees representing the House refuse to go along with the Senate stipulation \* \* \* it would be better to let the program die at the end of this year and thus compel reconsideration of the whole law when the Congress reconvenes in January.

Since the House has rejected the volumes of testimony presented by farm and labor groups, consumer and church organizations, the Secretary of Labor,



the Secretary of Agriculture, and other distinguished citizens and respected organizations; testimony relating to the need for reform of Public Law 78, it should not attempt at this point to weaken the Senate bill through the conference procedure. In passing a simple extension of this program, the House gave its full acceptance to testimony presented by individuals and organizations who have a direct interest in the perpetuation of the bracero system as it has existed during the past 10 years. It seems to me that the House should now wait until the next session of Congress and give greater consideration to the testimony of those groups and individuals who believe there is a need for reform in this field.

Mr. Speaker, there is no need for this bill to go to conference. The Senate bill already contains the minimum, and I must add, very modest reforms which are necessary for an extension of this law. In other words, there is nothing further about which to confer—if a 2-year extension is to be passed during this session.

It is my considered opinion that it would be far better for us to vote now on the bill as passed by the Senate. If the House fails to enact the Senate bill, it would be best to table the whole question until the next session of Congress.

This legislation is too important to be subject to any hasty and ill-considered action at this time.

As I stated before, I do not think the bill passed by the Senate comes near being adequate to correct the inequities that now exist in the Mexican national program. Nevertheless, the amendments contained in the Senate bill are absolutely necessary to any extension of this program. Certainly, without the McCarthy wage amendment, the Mexican national program should die—and in all events—will die.

The chief evil of the bracero system is that it helps create and preserve a depressed class of wage earners for a few privileged employers who believe that their labor problems are insoluble without the help of the Federal Government. These employers believe that the Federal Government should provide them with a free farm placement service. At the present time the Bureau of Employment Security of the U.S. Department of Labor spends an estimated \$10 million a year recruiting domestic farm labor for American growers. The money which pays for this program comes out the pockets of nonagricultural employers who are covered by unemployment insurance. Not satisfied with having the Federal Government recruit cheap domestic labor in depressed rural areas for shipment all over the country, they have also demanded and obtained a *carte blanche* program for the importation of poverty-stricken Mexican nationals for work on U.S. farms—under the guise that American labor is not available.

Not available at what rate of pay, may I ask? Thirty cents an hour in Arkansas? Fifty cents an hour in several parts of Texas? Sixty cents an hour in New Mexico? It is sheer hypocrisy to say American workers are not available—

unless attempts are made to recruit these workers at decent rates of pay. Statistics tell the story. According to the U.S. Department of Labor, the wages of migrant farmworkers have decreased steadily ever since the Mexican National program has been in operation. Farm wages have gone up—yes. So have taxes and the cost of living. But, the wages of domestic migratory farmworkers—those who are in direct competition with Mexican labor—have gone down. In 1952, the average daily wage earned by migrants was \$6.90. Today, it is only \$6. This represents a decrease of about 14 percent.

Take Arkansas, for example. This year, the opening rate in three Arkansas counties for domestic cotton choppers was between 30 and 35 cents an hour. In these same areas Mexican Nationals were receiving the minimum of 50 cents an hour. It does no good for Arkansas growers to tell us that the only people available for work were a few women and children. What kind of labor can they expect to get for 30 cents an hour? What able-bodied man can support himself and his family at this rate of pay?

In several sections of Texas, the average rate for farm labor has remained at 50 cents an hour ever since the bracero program has been in operation.

It does no good for growers to say the Secretary of Labor already has the authority to protect domestic wage rates. Whenever the Secretary of Labor attempts to exert his authority under the law, he is sued in court by the growers. At the present time, right here in Washington, D.C., the growers and the whole State of New Mexico are objecting in Federal court to a prevailing wage order issued by the Secretary.

It does no good for the growers to say that braceros must be paid the prevailing rate of pay—because the prevailing rate of pay is whatever the growers want it to be. Where there is a large influx of foreign labor, there is no compunction on growers to raise prevailing wages in order to attract domestic labor. Why should wages be raised when Mexicans can be obtained at the lower rate of pay? In other words, where large amounts of foreign labor are imported into the country, there is no free labor market and the law of supply and demand no longer applies.

The whole program, as it operates at the present time is a travesty of every economic idea we in this nation hold sacred. What would be the reaction of American cotton growers if the domestic market was flooded with cheap foreign cotton by governmental sanction? If such a system is not good as applied to commodities, it is even worse as applied to human labor.

I called the program a travesty. It is. I would call it a farce, except that there is nothing funny about the adverse effect this program has on the poorest of the poor in our society—migratory farm workers and their families.

The McCarthy wage amendment would help alleviate this situation. It would not cure it entirely. Actually, it is a very mild amendment—too mild as far as I am concerned. Nevertheless, without such an amendment it would be uncon-

scionable to extend the Mexican National program.

All the amendment does is require growers who use Mexican workers to pay those workers 90 percent of the average farm wage rate in the State or the Nation whichever is the lower. By raising Mexican wages it might indirectly help raise domestic wages a little in those areas where Mexicans are employed.

This is not a minimum wage for agriculture. It applies only to the growers who use Mexican labor. It is not an extension of the Secretary of Labor's authority. The Secretary of Labor already has the authority to set wages for Mexican nationals. That is why there is a 50-cents-an-hour minimum for Mexican braceros. Rather than an extension of the Secretary's authority, it is actually a limitation. It sets a standard or criteria which the Secretary must follow in setting wages for Mexican Nationals. The McCarthy amendment merely set congressional guidelines as to how the Secretary may determine what the Mexican workers should receive. All the other formulas the Secretary has used throughout the years—and which have been fought tooth and nail by the growers—go out the window, and the formula contained in the McCarthy amendment would have to be followed by both the Secretary and the growers who benefit from this program.

This amendment does not remove the agricultural exemption contained in the Fair Labor Standards Act. Anyone who claims this just does not know the law. It would be legally impossible to remove an exemption contained in the Fair Labor Standards Act by amending Public Law 78. This amendment applies only to the users of Mexican nationals—less than 2 percent of the growers in the United States. It sets wages for Mexican workers, not domestic workers. The amendment might have the indirect effect of raising wages for domestic labor, but I would remind you that the 50 cent minimum imposed on growers who use Mexican labor also had this effect. In other words, the principle involved here has been in effect in relation to Public Law 78 for several years.

By voting for a simple extension of Public Law 78, the House endangered the entire program. The administration has made known that it is against any passage of this program without substantial reform.

It is my contention that the growers who benefit from the Mexican farm labor program should not push their luck too far. If they are not willing to accept the minimum reforms adopted by the Senate, they may find themselves without any bill whatsoever. Certainly, without the McCarthy wage amendment, the Mexican national program may be terminated this year.

As you know, I would personally like to see H.R. 2010 tabled until the next session of Congress. If we have to pass a bill during this session, however, then let us pass an improved bill.

Let us not be guilty once again of ignoring the plight of the migrants and their families. Let us take a step in the direction of restoring a free labor mar-



ket to American agriculture. Let us begin now to eliminate a farm labor system based on poverty and destitution.

Mr. Speaker, I urge that we defeat the resolution and pave the way for early adoption of the Senate bill.

For the information of the Members, I submit a statement by the Secretary of Labor, Mr. Arthur J. Goldberg, on the McCarthy amendment:

The bill passed by the Senate yesterday for the extension of the Mexican labor program, with revisions, is a good bill, and it merits enactment into law.

The amendment proposed by Senator McCARTHY and accepted by the Senate, establishing specific guidelines as to the wages that must be paid to Mexican workers brought into the country under this law, provide an acceptable remedy for the basic problem created by this foreign labor program, its depression of the wages and earnings of U.S. migratory workers.

The bill passed by the Senate constitutes a very modest attack on this problem. It requires payment to Mexican workers of only 90 percent of the average farm wage in the State of employment or 90 percent of the national farm wage average, whichever is the lesser. The indirect effect of this provision upon the wages of U.S. farmworkers will, it is hoped, reverse the downward trend in migratory labor earnings that dates from the year after Public Law 78 was enacted.

With this amendment, a 2-year extension of Public Law 78, which authorizes employment of Mexican workers on U.S. farms can be considered as in the public interest.

Mr. SISK. Mr. Speaker, I yield 3 minutes to the gentleman from New York [Mr. RYAN].

Mr. RYAN. Mr. Speaker, an historic breakthrough in the interest of helping some of the most destitute people in our country was achieved by the other body last Monday when the Mexican farm labor importation program was amended to include an average wage provision offered by Senator McCARTHY.

Many of us here in the House fought for similar provisions when Public Law 78 was before us earlier this year. Unfortunately, for the migrant farmworkers whose livelihood is directly affected, these provisions were not adopted. If this bill is sent to conference, the conferees will have an opportunity to do something concrete for these suffering, impoverished and exploited people.

The principal provision added in the Senate is a moderate, but effective one. It would require growers using Mexican farm labor to pay them either 90 percent of the State average farm wage or 90 percent of the national average farm wage, whichever is the lesser. In this way Mexican workers would be given more equitable payment for their own work and, at the same time, the tendency of their low wages to depress the earnings of our own migrant farmworkers would be countered.

It is rare to find a legislative proposal which would do so much good in so simple and direct a manner. Certainly, no Member of this House wishes to countenance the exploitation of the citizens of our sister Republic of Mexico. At the same time, no Member of this House wishes low wages for our own citizens. The adoption of the average wage amendment would dramatically provide

a good action to back up our good intentions with respect to the Mexican workers. This action would also help our citizen workers instead of pitting the Mexican worker against the domestic farmworker.

Mr. Speaker, recently 38 leading clergymen and lay leaders issued a statement specifically calling for a series of reforms to Public Law 78 of which the average wage amendment was the most important one. These religious leaders, who include some of the foremost churchmen in this country said:

Public Law 78, then is patently inimical to the moral interests of the United States as well as to its economy, to its farmers in general, and to its domestic farmworkers most specifically. Ideally, it should not be extended beyond December 31, 1961, its present expiration date. Certainly a definite and not distant date must be set for the program's elimination. But because its abrupt termination could entail undue disruptions and hardships, we believe it is necessary to accept a brief extension, an extension, however, which must include ironclad provisions for safeguarding the interests of all concerned—the braceros, the domestic workers, and the great majority (98 percent) of farmers who do not use Mexican workers.

In speaking of the needed reforms of Public Law 78 and underlining the average wage amendment, the religious leaders declared:

Any extension of Public Law 78 which does not include these minimum reforms would be entirely unacceptable and we would feel obliged respectfully to urge the President to veto it.

In conclusion, we speak directly to you, our elected representatives. Gentlemen, on very few issues which come before you is there such a clearcut moral urgency. On very few issues could you find greater agreement among religious groups than on the recommendations here presented.

We plead with you to vote on this issue from an enlightened and aroused conscience. Surely it is possible for you to recognize that despite the opposing pressures this is an issue where the right and courageous action is dictated by an inescapable moral responsibility.

Mr. Speaker, these religious leaders feel that the reform of Public Law 78 is a moral issue. I fully agree with them and urge the House conferees to support the average wage amendment and bring back a bill which will help the migratory farmworkers achieve some protection.

Mr. Speaker, I include the text of the joint statement submitted to the Senate Agriculture Committee on June 12, 1961, by Protestant, Catholic, and Jewish leaders and the signatories.

JOINT STATEMENT ON PUBLIC LAW 78 BY PROTESTANT, CATHOLIC AND JEWISH LEADERS—SUBMITTED TO THE SENATE AGRICULTURE COMMITTEE, JUNE 12, 1961

A cardinal fact of our democratic system is that government seldom originates social and economic progress, but rather responds to the expression of its people. It follows that when any definable segment of our population is inarticulate, it draws to itself little public attention and in consequence remains outside the range of most progressive actions. Such is the case with the migratory farmworkers of America, who, to this day, remain bereft of the benefits of most labor and social legislation enacted in recent years.

Expressly excluded from the Nation's minimum wage law, many of these farmworkers labor for 35 to 50 cents an hour and earn an average of less than \$1,000 a year. With longer and more frequent layoff periods than other workers, they do not enjoy the benefits of the unemployment insurance system, and so must carry the burden of their own joblessness. Should they be hurt or otherwise become physically impaired while working in the fields, extremely few of them are covered under State workmen's compensation laws.

Perhaps the most harmful of all is the categorical exclusion of farmworkers from legislation that protects the right of other workers to organize into unions and bargain with their employers. Had farmworkers been given this protection under the National Labor Relations Act, it is reasonable to conclude they would have acquired for themselves a far more equitable position in our economy than they now occupy. In our way of life there is no substitute for properly constituted representation.

Without this protection, farmworkers are mute and impotent, relegated to the very lowest level of our economy and to the fringe of our society, truly a strange and wholly indefensible position for the workers in our greatest industry, an industry, moreover, which otherwise is rightly considered an honorable as well as a necessary part of our economy.

The errors of omission and neglect that our society has allowed to be inflicted on all farmworkers are intensified for the half-million families who are migratory. Theirs is truly a dreary and discouraging world—a world of family nomads, living for today on today's meager earnings, always uncertain of what tomorrow will bring. To earn a yearly average of less than \$1,000, a migrant must subject himself and his family to the rigors of long, often haphazard travel, to the denial of society's benefits, to the loss of education for the children, because to eat is basic and urgent. He is rootless because he lacks the wherewithal to nurture roots.

Into this situation already deplorable to the extreme is introduced another element adding a further crushing burden to the backs of those least able to bear it: The importation into this country, under Public Law 78, of hundreds of thousands of directly competing workers from Mexico.

Poverty-stricken and without adequate economic opportunity in their own country, the Mexican "braceros," as they are called, welcome this chance to earn a few dollars, even if it means leaving their families for many months and working in a foreign land under conditions not much different from indentured servitude.

Started as a World War II emergency measure under which less than 90,000 Mexican male workers were imported in any one year, the dimensions of this program under Public Law 78 have since expanded enormously. In 1959, 438,000 Mexican men were imported under the program; in 1960 a combination of circumstances cut the number to 316,000—all of them employed on less than 2 percent of the Nation's farm enterprises.

As could readily be expected, the continued and expanded use of these Mexican workers has had a devastating effect on the well-being of our citizen farmworkers. In 1959, a group of distinguished Americans made an exhaustive study of the situation at the request of James P. Mitchell, then Secretary of Labor. In an emergency program designed to provide supplemental labor to meet peak-season harvesting shortages, the consultants found 20,000 Mexicans employed on a year-round basis. In addition to those employed as tractor operators and ranch hands, they found thousands more engaged in skilled and semiskilled jobs. They found that domestic farm wages—already desperately



low—lagged even more in areas and crops in which Mexicans were employed, and the job duration of domestic workers cut short because of the presence of the imported workers. Moreover, it is not insignificant that at the peak of harvesting they found that 60 percent of all Mexicans were employed in crops then in surplus supply—such as cotton, a price-supported crop.

These are only a few of the disturbing conditions brought to light; there are many others. The facts brought out by the consultants and by innumerable other objective studies prove conclusively that Public Law 78 by exploiting the poverty of Mexicans has appreciably worsened the already deplorable poverty of our own citizen migrants.

Public Law 78, then, is patently inimical to the moral interests of the United States as well as to its economy, to its farmers in general, and to its domestic farmworkers most specifically. Ideally, it should not be extended beyond December 31, 1961, its present expiration date. Certainly a definite and not distant date must be set for the program's elimination. But because its abrupt termination could entail undue disruptions and hardships, we believe it is necessary to accept a brief extension, an extension, however, which must include ironclad provisions for safeguarding the interests of all concerned—the braceros, the domestic workers, and the great majority (98 percent) of farmers who do not use Mexican workers.

We urge, therefore, the passage of S. 1945, introduced by Senator Eugene McCarthy and cosponsored by many other Senators. This bill, now before this committee, embodies the minimum reforms we believe to be necessary:

1. The Secretary of Labor is given authority to limit the number of foreign workers who may be employed by any one employer.

2. To be eligible to obtain foreign workers a farm employer must first offer (and actually pay) U.S. workers terms and conditions reasonably comparable to those guaranteed Mexican workers.

3. The employer of Mexican workers must pay those workers at least as much as the average hourly rate for farmworkers in the State or Nation, whichever is lower; but any yearly increase is limited to 10 cents an hour.

4. Mexican workers are limited to seasonal and nonmachine jobs.

Any extension of Public Law 78 which does not include these minimum reforms would be entirely unacceptable and we would feel obliged respectfully to urge the President to veto it.

In conclusion, we speak directly to you, our elected representatives. Gentlemen, on very few issues which come before you is there such a clearcut moral urgency. On very few issues could you find greater agreement among religious groups than on the recommendations here presented.

We plead with you to vote on this issue from an enlightened and aroused conscience. Surely it is possible for you to recognize that despite the opposing pressures this is an issue where the right and courageous action is dictated by an inescapable moral responsibility.

#### SIGNATORIES TO THE ABOVE JOINT STATEMENT

From the Protestant community: Mrs. John C. Bennett, New York, N.Y.; Rev. Edwin T. Dahlberg, St. Louis, Mo.; Rev. Ray Gibbons, New York; Rev. Shirley E. Greene, St. Louis, Mo.; Rev. Cameron P. Hall, New York, N.Y.; Dr. Benson Y. Landis, Scarsdale, N.Y.; Bishop John Wesley Lord, Washington, D.C.; Miss Edith Lowry, New York, N.Y.; Rev. Victor C. Obenhaus, Chicago, Ill.; Mr. Victor G. Reuther, Washington, D.C.; Mrs. Eleanor Roosevelt, New York, N.Y.; Miss Thelma Stevens, New York, N.Y.; Mrs. William Sale Terrell, West Hartford, Conn.; and Mrs. Theodore O. Wedel, Washington, D.C.

From the Catholic community: Archbishop Edwin V. Byrne, D.D., Santa Fe, N. Mex.; Mr. Michael Coleman, Chicago, Ill.; Right Rev. Monsignor George Higgins, Washington, D.C.; Archbishop Robert E. Lucey, D.D., San Antonio, Tex.; Miss Margaret Mealey, Washington, D.C.; Rev. Edward O'Rourke, Des Moines, Iowa; Very Rev. Monsignor William Quinn, Chicago, Ill.; Mr. Robert Senser, Chicago, Ill.; Rev. John A. Wagner, San Antonio, Tex.; Mr. Martin Work, Washington, D.C.; Bishop Stephen S. Woznicki, D.D., Saginaw, Mich.; and Rev. James L. Vizzard, S.J., Washington, D.C.

From the Jewish community: Rabbi Theodore L. Adams, New York, N.Y.; Rabbi Abraham J. Feldman, Hartford, Conn.; Mr. Philip Greene, New York, N.Y.; Rabbi Philip Hiat, New York, N.Y.; Rabbi Israel Klavan, New York, N.Y.; Dr. Bernard Lander, New York, N.Y.; Rabbi Julius Mark, New York, N.Y.; Rabbi Uri Miller, Baltimore, Md.; Rabbi Bernard Segal, New York, N.Y.; Mr. Albert Vorspan, Long Island, N.Y.; Rabbi Wolfe Kelman, New York, N.Y.; and Rabbi Edward P. Sandrow, Cederhurst, Long Island, N.Y.

(Mr. RYAN asked and was given permission to revise and extend his remarks, and to include extraneous matter.)

Mr. SISK. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SANTANGELO].

Mr. SANTANGELO. Mr. Speaker, I am opposing this resolution to send the bill to conference. We should look back to see what we have accomplished this year. As you know, by treaty the wages of the Mexican braceros are 50 cents an hour. Some domestic workers are receiving less than 50 cents an hour. Since we passed Public Law 78, this House and Congress has adopted an increase in the minimum wage from \$1 to \$1.15 to \$1.25. We should not permit a minimum wage of 50 cents an hour for these workers who are being exploited in the hot broiling sun. We should adopt the Senate version and have the prevailing wage so that we can increase the buying power and purchasing power of these farmworkers, not only of those who come from Mexico, some 400,000 of them, but also of our domestic farmworkers.

It is an outrage in this day and age that people should be working, toiling and sweating at 34 cents to 40 cents an hour in the cotton fields where the cotton producers are subsidized and are making a tremendous profit, or in the food produce industry of California where the wage is \$1 and \$1.25 an hour.

My own investigation of the farm fields of California has indicated that on piecework the farmworker or bracero is earning an average of \$1 an hour. Why should one farmworker or bracero who is sent to California be permitted to earn from \$1 to \$1.25 an hour, while a fellow who is sent to Arkansas or Mississippi or to another State where the wages are so depressed earn for the same kind of work 50 cents or 60 cents an hour?

We must not permit these conditions to continue to exist. We should adopt the Senate version. We should reject this resolution which would send the bill to conference, and I respectfully urge that this body show the same kind of foresight that it did when we raised the minimum wage of the American worker.

Let us raise the wages of those farmworkers who produce our food, who produce our fiber, and who produce the things which make our country an enjoyable place in which to live.

Mr. SMITH of California. Mr. Speaker, I yield 1 minute to the gentleman from California [Mr. TEAGUE].

Mr. TEAGUE of California. Mr. Speaker, I feel I could take the time to successfully rebut the point made by the prior speaker, the gentleman from New York [Mr. SANTANGELO] but I shall not take the time of the House to do so.

Mr. Speaker, I of course favor the resolution. I would, however, like to call to the attention of the Members of the House a publication issued by the U.S. Department of Labor, and not the Farm Bureau or any other organization, covering the period of July 1 through December 31, 1960, entitled "Report of the Operations of the Mexican Farm Labor Program," made pursuant to Conference Report No. 1449.

Mr. Speaker, let me state that this program does not work only to the benefit of large farmers—a few large farmers who employ hundreds and thousands of Mexican nationals. The facts brought out in this Department of Labor report indicate quite clearly that there are and there were during this period 39,307 users of Mexican nationals. They used a total of 303,979 Mexican nationals, making an average number of workers per farm of 5.2.

(Mr. ROOSEVELT asked and was given permission to extend his remarks at this point in the RECORD.)

Mr. ROOSEVELT. Mr. Speaker, there have been charges that the McCarthy amendment contained in the bill in the other body provides a minimum wage for farmworkers. It is even charged that if this provision becomes law, then the agricultural extension in the Fair Labor Standards Act would be removed.

I have long worked on Fair Labor Standards Act as a member of the Committee on Education and Labor and as the chairman of the subcommittee specifically concerned with that law. I want to say categorically that nothing could be farther from actual fact than these charges.

In the first place, the legislation we are considering has absolutely nothing to do with the Fair Labor Standards Act. It concerns only the Mexican farm labor importation program or Public Law 78. It affects only those growers and those farms which import Mexican farmworkers—that is less than 2 percent of the farms in the United States.

If a grower imports Mexicans he would be affected by the McCarthy amendment contained in the Senate bill. He would have to pay the Mexicans he imports at least 90 percent of the State average farm labor wage or 90 percent of the national average farm labor wage, whichever is lower.

If he does not import Mexicans, there is no law in the land and there is no regulation whatsoever to require him to pay any particular wage.

Let me make a further point, Mr. Speaker. Those who throw this minimum wage smokescreen about act as if



requiring a minimum wage for farm-workers is something new. It is not anything new.

In the past the Mexican Government has required that the imported Mexicans receive at least 50 cents an hour. This requirement has been enforced by the U.S. Government.

The only thing that the McCarthy amendment would actually change is that it would substitute 90 percent of the State average farm labor wage or 90 percent of the national average farm labor wage for the present 50 cents figure.

That change is necessary—absolutely necessary—to prevent the continued undercutting of the farm labor wages of our States.

I know that despite these explanations, the growers will continue to charge that the McCarthy amendment adopted by the Senate is a minimum wage provision. They will do this because they are embarrassed at having to justify a law which depresses the wages and job opportunities of our citizen workers.

They are embarrassed by a law which has kept field labor wages in most of Texas at 50 cents an hour for 10 years. They are embarrassed by a law which has caused average daily farm labor wages to drop year after year.

They are embarrassed by a law which limits employment for American farm-workers so that they can get only 138 days of work in an entire year.

Frankly, I don't blame the growers for being embarrassed. They should be. But I know that the House will not accept the completely inaccurate assertion that the Senate bill contains an agricultural minimum wage. It contains nothing of the sort.

Mr. SISK. Mr. Speaker, I have no further requests for time.

I move the previous question.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the resolution.

The question was taken; and on a division (demanded by Mr. SANTANGELO) there were—ayes 77, noes 24.

Mr. SANTANGELO. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 243, nays 135, not voting 59, as follows:

[Roll No. 207]  
YEAS—243

Abbott	Avery	Bolton
Abernethy	Baldwin	Bonner
Adair	Barry	Bow
Albert	Bass, N.H.	Boykin
Alexander	Bass, Tenn.	Breeding
Alford	Bates	Bromwell
Andersen,	Battin	Brooks, Tex.
Minn.	Beermann	Broomfield
Anderson, Ill.	Beicher	Brown
Andrews	Bell	Broyhill
Ashbrook	Berry	Bruce
Ashmore	Betts	Burleson
Aspinall	Blitch	Byrnes, Wis.
Auchincloss	Bolling	Cannon

Casey	Horan	Passman
Cederberg	Hosmer	Peterson
Chamberlain	Huddleston	Pilcher
Cheff	Hull	Pillion
Chenoweth	Ichord, Mo.	Poage
Chlperfield	Ikard, Tex.	Qule
Clancy	Jarman	Rains
Collier	Jennings	Ray
Colmer	Jensen	Rhodes, Ariz.
Corbett	Johansen	Riehlman
Cramer	Jonas	Riley
Curtin	Jones, Ala.	Rivers, Alaska
Curtis, Mass.	Judd	Rivers, S.C.
Curtis, Mo.	Kilday	Roberts
Daddario	Kilgore	Robison
Davis,	King, N.Y.	Rogers, Fla.
James C.	King, Utah	Roudebush
Davis, John W.	Kitchin	Rutherford
Davis, Tenn.	Knox	Schadeberg
Derwinski	Kornegay	Schenck
Devine	Kunkel	Scherer
Dole	Kyl	Schneebeli
Dominick	Laird	Schwelker
Dooley	Landrum	Schwengel
Dorn	Langen	Scott
Dowdy	Latta	Scranton
Downing	Lipscomb	Seely-Brown
Doyle	Loser	Selden
Durno	McCormack	Sheppard
Elliott	McCulloch	Short
Ellsworth	McFall	Shriver
Everett	McIntire	Sikes
Evins	McMillan	Sisk
Fascell	McSweeney	Smith, Calif.
Fenton	McVey	Smith, Miss.
Findley	MacGregor	Smith, Va.
Fisher	Magnuson	Spence
Flynt	Mahon	Springer
Forrester	Mailliard	Steed
Fountain	Marshall	Stephens
Frellinghuysen	Martin, Mass.	Stubblefield
Gariand	Martin, Nebr.	Taylor
Gary	Mason	Teague, Calif.
Gathings	Matthews	Teague, Tex.
Gavin	May	Thompson, Tex.
Glenn	Meador	Thomson, Wis.
Goodell	Morrow	Thornberry
Goodling	Michel	Trimble
Grant	Miller, Clem	Tuck
Griffin	Miller,	Tupper
Gross	George P.	Udall, Morris K.
Gubser	Mills	Ullman
Hagan, Ga.	Minshall	Utt
Hagen, Calif.	Moeller	Van Pelt
Haley	Montoya	Wallhauser
Harding	Moorehead,	Watts
Hardy	Ohio	Weiss
Harris	Morris	Wharton
Harrison, Va.	Mosher	Whitener
Harrison, Wyo.	Moss	Whitten
Harsha	Murray	Wickersham
Harvey, Ind.	Natcher	Widnall
Harvey, Mich.	Nelsen	Williams
Hemphill	Norblad	Willis
Henderson	Norrell	Wilson, Ind.
Herlong	Nygaard	Winstead
Hlestand	O'Brien, N.Y.	Wright
Hoffman, Ill.	O'Hara, Mich.	
Hoffman, Mich.	Ostertag	

NAYS—135

Addabbo	Duiski	Keith
Addonizio	Dwyer	Kelly
Ashley	Edmondson	King, Calif.
Bailey	Fallon	Kluczynski
Baring	Farbsteln	Kowalski
Barrett	Feighan	Lane
Becker	Finnegan	Lankford
Beckworth	Flood	Lesinski
Bennett, Fla.	Fogarty	Libonati
Bennett, Mich.	Friedel	Lindsay
Boland	Fulton	McDowell
Brademas	Gallagher	Macdonald
Bray	Garmatz	Machrowicz
Brewster	Gialmo	Mack
Burke, Ky.	Gilbert	Madden
Burke, Mass.	Granahan	Mathias
Byrne, Pa.	Green, Oreg.	Monagan
Church	Green, Pa.	Moore
Clark	Griffiths	Moorhead, Pa.
Coad	Halpern	Morgan
Cohelan	Hansen	Morse
Conte	Hays	Moulder
Cook	Healey	Murphy
Corman	Hechler	Nix
Cunningham	Holifield	O'Brien, Ill.
Daniels	Holland	O'Hara, Ill.
Dawson	Holtzman	O'Konski
Delaney	Inouye	Olsen
Dent	Johnson, Md.	Osmers
Denton	Johnson, Wis.	Patman
Derounian	Karsten	Pelly
Diggs	Karth	Perkins
Dingell	Kastenmeier	Philbin
Donohue	Kee	Pike

Price	St. Germain	Taber
Pucinski	Santangelo	Thomas
Randall	Saylor	Thompson, N.J.
Relfel	Sheiley	Toll
Rhodes, Pa.	Shipley	Tollefson
Rodino	Sibal	Vanik
Rogers, Colo.	Smith, Iowa	Van Zandt
Rooney	Stafford	Whalley
Rostenkowski	Staggers	Yates
Roush	Stratton	Zablocki
Ryan	Sullivan	Zelenko

NOT VOTING—59

Alger	Hébert	Rabaut
Anfuso	Hoeven	Reece
Arends	Joelson	Reuss
Ayres	Johnson, Calif.	Rogers, Tex.
Baker	Jones, Mo.	Roosevelt
Blatnik	Kearns	Rousslot
Boggs	Keogh	St. George
Brooks, La.	Kilburn	Saund
Buckley	Kirwan	Siler
Cahill	Lennon	Slack
Carey	McDonough	Thompson, La.
Celler	Miller, N.Y.	Vinson
Cooley	Milliken	Walter
Dague	Morrison	Weaver
Fino	Multer	Westland
Ford	O'Neill	Wilson, Calif.
Frazier	Pfost	Young
Gray	Pirnie	Younger
Hall	Poff	
Halleck	Powell	

So the motion was agreed to.

The Clerk announced the following pairs:

Mr. Hébert with Mr. Alger.  
Mr. Joelson with Mr. Siler.  
Mr. Slack with Mr. Poff.  
Mr. Keogh with Mr. Hall.  
Mr. Lennon with Mr. Hoeven.  
Mr. Boggs with Mr. Kearns.  
Mr. Powell with Mr. Rousslot.  
Mr. O'Neill with Mr. Fino.  
Mr. Morrison with Mr. Arends.  
Mr. Multer with Mr. Baker.  
Mr. Walter with Mr. Cahill.  
Mr. Kirwan with Mrs. St. George.  
Mr. Thompson of Louisiana with Mr. Weaver.  
Mr. Anfuso with Mr. Willson of California.  
Mr. Frazier with Mr. Ayres.  
Mr. Rogers of Texas with Mr. Ford.  
Mr. Reuss with Mrs. Reece.  
Mr. Roosevelt with Mr. Younger.  
Mr. Johnson of California with Mr. Halleck.  
Mr. Cooley with Mr. Westland.  
Mr. Blatnik with Mr. Pirnie.  
Mr. Buckley with Mr. Miller of New York.  
Mr. Carey with Mr. Kilburn.  
Mr. Celler with Mr. Milliken.  
Mr. Gray with Mr. McDonough.

Mrs. GRANAHAN and Messrs. ROONEY, BRADEMAS, KARSTEN, MACHROWICZ, COOK, O'KONSKI, MOORE, and KEITH changed their votes from "yea" to "any."

The result of the vote was announced as above recorded.

The doors were opened.

The SPEAKER pro tempore. The Chair appoints the following conferees on the part of the House: Messrs. POAGE, GATHINGS, ABBITT, BELCHER, and TEAGUE of California.

#### FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. McGown, one of its clerks, announced that the Senate had passed with amendments, in which the concurrence of the House is requested, a bill of the House of the following title:

H.R. 9033. An act making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes.



The message also announced that the Senate insists on its amendments to the foregoing bill, requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. HAYDEN, Mr. ELLENDER, Mr. MAGNUSON, Mr. HOLLAND, Mr. PASTORE, Mr. SALTONSTALL, Mr. MUNDT, and Mrs. SMITH of Maine to be the conferees on the part of the Senate.

#### FOREIGN ASSISTANCE AND RELATED AGENCIES APPROPRIATION ACT OF 1962

Mr. PASSMAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 9033) making appropriations for foreign assistance and related agencies for the fiscal year ending June 30, 1962, and for other purposes, with Senate amendments thereto, disagree to the Senate amendments, and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana? [After a pause.] The Chair hears none, and appoints the following conferees: Messrs. PASSMAN, GARY, CANNON, TABER, and RHODES of Arizona.

#### HOURLY MEETING TOMORROW, SEPTEMBER 16, 1961

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that when the House adjourns today it adjourn to meet at 11 o'clock tomorrow.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### DISPENSING WITH CALENDAR WEDNESDAY AND PROGRAM FOR TOMORROW

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the business in order on Calendar Wednesday of next week may be dispensed with.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

Mr. BROWN. Mr. Speaker, reserving the right to object, can the majority whip tell us what the schedule will be for tomorrow? I understand we will finish the postal pay rate bill tomorrow.

Mr. ALBERT. There has been no change since the schedule was announced.

Mr. BROWN. No change?

Mr. ALBERT. No.

Mr. BROWN. After the action on the postal pay rate bill is concluded, then you will call up—

Mr. ALBERT. It is my judgment that that will be the last major piece of legislation today, the postal rate bill.

Mr. BROWN. That is, for today, but I understand if you cannot conclude it today and if we are to adjourn about 5:30, that it will be concluded tomorrow, and I presume it will be concluded before you call up the so-called disarmament bill.

Mr. ALBERT. That is the plan, I will say to the gentleman.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### MUTUAL EDUCATIONAL AND CULTURAL EXCHANGE ACT

Mr. HAYS. Mr. Speaker, I ask unanimous consent that the managers on the part of the House have until midnight tonight to file a conference report on the bill H.R. 8666.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

(The conference report and statement follows:)

#### CONFERENCE REPORT (H. REPT. NO. 1197)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 8666) to provide for the improvement and strengthening of the international relations of the United States by promoting better mutual understanding among the peoples of the world through educational and cultural exchanges, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That this Act may be cited as the 'Mutual Educational and Cultural Exchange Act of 1961'."

"SEC. 101. STATEMENT OF PURPOSE.—The purpose of this Act is to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries by means of educational and cultural exchange; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations, and the contributions being made toward a peaceful and more fruitful life for people throughout the world; to promote international cooperation for educational and cultural advancement; and thus to assist in the development of friendly, sympathetic, and peaceful relations between the United States and the other countries of the world.

"SEC. 102 (a) The President is authorized, when he considers that it would strengthen international cooperative relations, to provide, by grant, contract, or otherwise, for—

"(1) educational exchanges, (1) by financing studies, research, instruction, and other educational activities—

"(A) of or for American citizens and nationals in foreign countries, and

"(B) of or for citizens and nationals of foreign countries in American schools and institutions of learning located in or outside the United States;

and (ii) by financing visits and interchanges between the United States and other countries of students, trainees, teachers, instructors, and professors;

"(2) cultural exchanges, by financing—

"(i) visits and interchanges between the United States and other countries of leaders, experts in fields of specialized knowledge or skill, and other influential or distinguished persons;

"(ii) tours in countries abroad by creative and performing artists and athletes from the United States, individually and in

groups, representing any field of the arts, sports, or any other form of cultural attainment;

"(iii) United States representation in international artistic, dramatic, musical, sports, and other cultural festivals, competitions, meetings, and like exhibitions and assemblies;

"(iv) participation by groups and individuals from other countries in nonprofit activities in the United States similar to those described in subparagraphs (ii) and (iii) of this paragraph, when the President determines that such participation is in the national interest.

"(3) United States participation in international fairs and expositions, including trade and industrial fairs and other public or private demonstrations of United States economic accomplishments and cultural attainments.

"(b) In furtherance of the purposes of this Act, the President is further authorized to provide for—

"(1) interchanges between the United States and other countries of handicrafts, scientific, technical, and scholarly books, books of literature, periodicals, and Government publications, and the reproduction and translation of such writings, and the preparation, distribution, and interchange of other educational and research materials, including laboratory and technical equipment for education and research;

"(2) establishing and operating in the United States and abroad centers for cultural and technical interchanges to promote better relations and understanding between the United States and other nations through cooperative study, training, and research;

"(3) assistance in the establishment, expansion, maintenance, and operation of schools and institutions of learning abroad, founded, operated, or sponsored by citizens or nonprofit institutions of the United States, including such schools and institutions serving as demonstration centers for methods and practices employed in the United States;

"(4) fostering and supporting American studies in foreign countries through professorships, lectureships, institutes, seminars, and courses in such subjects as American history, government, economics, language and literature, and other subjects related to American civilization and culture, including financing the attendance at such studies by persons from other countries;

"(5) promoting and supporting medical, scientific, cultural, and educational research and development;

"(6) promoting modern foreign language training and area studies in United States schools, colleges, and universities by supporting visits and study in foreign countries by teachers and prospective teachers in such schools, colleges, and universities for the purpose of improving their skill in languages and their knowledge of the culture of the people of those countries, and by financing visits by teachers from those countries to the United States for the purpose of participating in foreign language training and area studies in United States schools, colleges, and universities;

"(7) United States representation at international nongovernmental educational, scientific, and technical meetings;

"(8) participation by groups and individuals from other countries in educational, scientific, and technical meetings held under American auspices in or outside the United States;

"(9) encouraging independent research into the problems of educational and cultural exchange.

"SEC. 103. (a) The President is authorized to enter into agreements with foreign governments and international organizations, in furtherance of the purposes of this Act. In such agreements the President is au-



"(2) Provisions protecting the interest of all persons directly affected, including the equitable proration in any reduction in the production, handling, and marketing of broiler hatching eggs and the products thereof, to the end that all directly affected interests shall share the reduction equitably.

"(3) Provisions relating to the marketing of reduced production of broiler hatching eggs, including the equitable marketing at competitive prices, to the end that the marketing of the reduced production shall not disrupt the orderly marketing thereof nor deprive any person of his equitable supply of broiler chicks.

"(4) The period or periods that the order shall remain of force and effect, provided that each order shall be effective for not less than 1 calendar year unless terminated as otherwise provided herein.

"(f) Each order pursuant to the provisions of this subsection may contain, in addition to other provisions, the following:

"(1) Provisions for recognizing and applying variable conditions and factors and to provide for the suspension, termination, reinstatement, or any combination thereof, of the order under such terms and conditions as the order may provide.

"(2) Provisions for adjustments in the order and its application upon the occurrence of events that materially affect the broiler industry and the order and its application.

"(g) The following shall be applicable to each order pursuant to the provision of this subsection:

"(1) 'Directly affected' and 'broiler industry' as used herein, shall mean broiler hatching egg producers, broiler hatching egg hatcherymen, broiler growers, broiler processors and feed dealers, and manufacturers having a direct financial interest in the growing or production thereof.

"(2) Any referendum hereunder shall be conducted and held by the county ASC committee and the committee shall determine those eligible to participate in the referendum, as provided in the order.

"(3) In any referendum, all persons directly affected shall be entitled to one vote, but no person shall be entitled to more than one vote even though he may be directly affected in more than one category.

"(4) Each order shall become effective on the date specified in the order and after approval of not less than two-thirds of those voting in the referendum held for the approval of the order by those directly affected.

"(5) At any time subsequent to six months from the effective date of an order and upon petition of not less than 10 per centum of those directly affected by and operating under the order, filed with the Secretary, it shall be mandatory upon the Secretary to call a referendum (to be held within thirty days from the filing of the petition) to terminate the order. If the vote thereon is at least 50 per centum in favor of termination, the order shall be terminated instantly without further action.

"(6) Any order pursuant to the provisions of this subsection shall be suspended by operation of law upon order of the Administrator that the Agricultural Economist of the U.S. Department of Agriculture shall have determined that for a period of ninety consecutive days immediately prior thereto that the average at the farm price for broilers has been equal to or in excess of 125 per centum of the average cost of production during such period. Such suspension shall remain of force and effect until the Administrator shall have determined in a like manner that for a like period the average at the farm price for broilers has been less than 125 per centum of the average cost of production, or under such other conditions as the order may provide.

"(7) In any order hereunder consideration shall be given to: (1) Current quantities available; (2) current and anticipated economic stability of the broiler industry; (3)

available and anticipated feed supplies; (4) current and anticipated supplies, demands, and surpluses; (5) other relevant factors.

"(8) Any committee, advisory board or administrative body created, authorized or appointed hereunder shall be composed of members of the broiler industry and the membership thereof shall be equitably apportioned from all segments of the affected broiler interests.

(Mr. HOFFMAN of Michigan asked and was given permission to extend his remarks at this point in the RECORD and to revise and extend his remarks.)

[Mr. HOFFMAN of Michigan's remarks will appear hereafter in the Appendix.]

#### LEGISLATIVE PROGRAM FOR TOMORROW

(Mr. HALLECK asked and was given permission to address the House for 1 minute.)

Mr. HALLECK. Mr. Speaker, I take this time for the purpose of inquiring of the majority leader as to the program for tomorrow.

Mr. ALBERT. Mr. Speaker, the program as previously announced for tomorrow will be in order.

The bill presently under consideration, or which has recently been under consideration, the postal rate bill, will not be programmed for tomorrow, but will be called up at a later time.

Mr. HALLECK. What will be on the program for tomorrow?

Mr. ALBERT. On tomorrow we will have up for consideration the Disarmament Agency bill and the French agreement bill. We still have on the program the bill providing for an Assistant Secretary of Commerce. I do not know whether we will reach that bill on tomorrow or not.

Mr. HALLECK. In any event, we are coming in tomorrow early?

Mr. ALBERT. We will come in under an agreement previously obtained at 11 o'clock in the morning.

Mr. HALLECK. The first order of business will be consideration of the Arms Control Act?

Mr. ALBERT. The gentleman is correct.

Mr. HALLECK. The Assistant Secretary of Commerce bill will come up last, if we can reach it tomorrow?

Mr. ALBERT. That is the plan, I may say to the gentleman, and the postal rate increase bill will not come up tomorrow.

Mr. HALLECK. May I make the further observation that under the rules of the House suspension of the rules will be in order on Monday next?

Mr. ALBERT. Yes.

Mr. HALLECK. And suspensions will come up on Monday next?

Mr. ALBERT. They will.

#### COMMITTEE ON AGRICULTURE

Mr. ALBERT. Mr. Speaker, I ask unanimous consent that the Committee on Agriculture may have until midnight tonight to file a conference report on a migrant labor bill, H.R. 2010.

The SPEAKER pro tempore. Is there

objection to the request of the gentleman from Oklahoma?

There was no objection.

(The conference report and statement follow:)

#### CONFERENCE REPORT (REPT. NO. 1198)

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by the Senate amendment insert the following: "That section 502(2) of the Agricultural Act of 1949, as amended, is amended to read as follows:

"(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker; and".

"SEC. 2. Clause (3) of section 503 of such Act is amended to read as follows: '(3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers'.

"SEC. 3. Sections 504 through 509 of such Act are renumbered sections '505' through '510' respectively; the reference to 'section 507' in section 508, renumbered as section '509', is changed to section '508'; and the following new section '504' is inserted after section 503:

"SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

"(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or

"(2) for employment to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship."

"SEC. 4. Section 505 of such Act, as amended, renumbered as section '506', is amended by adding at the end thereof the following:

"(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them."

"SEC. 5. Paragraph (1) of section 507 of such Act, renumbered as section '508', is amended by changing the comma after the words 'Internal Revenue Code, as amended' to a period and deleting the remainder of the paragraph.

"SEC. 6. Section 509 of such Act, as amended, renumbered as section '510', is amended by striking 'December 31, 1961' and inserting 'December 31, 1963'."

And the Senate agree to the same.

W. R. POAGE,  
E. C. GATHINGS,  
WATKINS M. ABBITT,  
PAGE BELCHER,  
CHARLES M. TEAGUE,

*Managers on the Part of the House.*

ALLEN J. ELLENDER,  
OLIN D. JOHNSTON,  
SPESSARD L. HOLLAND,  
B. EVERETT JORDAN,  
GEORGE D. AIKEN,  
MILTON R. YOUNG,  
BOURKE B. HICKENLOOPER,

*Managers on the Part of the Senate.*



## STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2010, to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying Conference Report.

The House bill was a simple extension for two years of the existing provision of title V of the Agricultural Act of 1949, which provides for the Mexican Farm Labor Program. The Senate amendment struck out all after the enacting clause of the House bill and substituted language consisting of six sections which extended the Act for two years and made several substantive amendments therein.

The Committee of Conference has agreed to the Senate amendments with two major changes: (1) elimination of the subsection providing minimum wage rates other than those already provided for in the Act and in the agreement with Mexico; and (2) modification of the provision relating to the use of Mexican workers to operate or maintain power-driven machinery so that this provision will apply only to power-driven self-propelled harvesting, planting, or cultivating machinery.

Following is a section-by-section explanation of the substitute to the Senate amendment agreed to by the conferees:

## SECTION-BY-SECTION EXPLANATION

Section 1: The first section of the amendment makes no substantive change in the law, but incorporates in the basic act covering the Mexican farm labor program provisions now carried in appropriation acts. The Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1961, requires reimbursements under section 502(2) of the basic act to include all expenses of program operations, except contract compliance expenses. Section 502(2) requires employers of workers recruited under the act to reimburse the United States only for essential expenses incurred by it for the transportation and subsistence of workers in amounts not to exceed \$15 per worker. The first section of the amendment amends section 502(2) to require reimbursement of all essential expenses, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker.

Section 2: Section 503 of the basic act prohibits workers recruited under the act from being made available in any area unless the Secretary of Labor finds that (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Section 2 amends clause (3) just quoted to include "working conditions" along with wages and standard hours of work. The term "working conditions" is intended by the committee to refer to the physical conditions under which the work is performed, such as those concerned with sanitation and safety, and not to include terms of employment such as housing, transportation, subsistence, insurance, and work guarantees. Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom they contract is imposed upon them. They do not bring

their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand, are free to come and go as they please. They may seek other employment in or out of agriculture if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain.

Section 3: Section 3 adds a new section 504 to the basic Act. The new section prohibits the employment of any workers recruited under the Act for other than temporary or seasonal employment or to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery. The Secretary of Labor may make exceptions from these prohibitions in specific cases to avoid undue hardship.

As passed by the Senate, this section applied to all power-driven machinery. The conference substitute limits its application to power-driven self-propelled harvesting, planting, and cultivating machinery.

The purpose of the program is to supplement the domestic labor force in peak periods, such as at harvest time, when crops may be lost through a lack of sufficient workers. It is not intended to provide Mexican workers for year-round jobs which might well be filled by domestic workers. Nor is it intended to provide Mexican workers for the higher skilled jobs for which domestic workers can be found.

The prohibition of this section with respect to machinery, of course, extends only to employment to operate or maintain such machinery. It would not prohibit the incidental handling of such machinery or employment merely involving power-operated machinery, such as the placing of produce on trucks, or the placing of hand-cut produce on vegetable harvesters, nor would it prohibit a worker employed for other appropriate purposes from incidental, emergency maintenance work such as the repair of a flat tire.

Section 4: Under the basic Act and the agreement with Mexico entered into thereunder, illness and disability insurance is provided for Mexican workers. This section will provide that such workers shall not, in addition, be subject to any Federal or State tax levy to provide illness or disability benefits for them. The Committee understands that California has recently enacted a law which would provide such benefits and that the state has requested that Mexican workers be exempted from this tax.

Section 5: Section 5 prohibits the furnishing of Mexican workers for certain processing activities. It excludes from the definition of the agricultural employment for which workers may be recruited under the act—horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products.

This would leave covered by the act services or activities within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 or section 3121(g) of the Internal Revenue Code (which by sec. 7852(b) of the Internal Revenue Code was made applicable in lieu of sec. 1426(h) of the Internal Revenue Code (of 1939)). Section 3121(g) includes the raising of horticultural commodities, cotton ginning, and a limited amount of packaging, processing, freezing, and storing for farm operators.

Section 6 extends the program 2 years until December 31, 1963.

W. R. POAGE,  
E. C. GATHINGS,  
WATKINS M. ABBITT,  
PAGE BELCHER,  
CHARLES M. TEAGUE,

*Managers on the Part of the House.*

## DR. EDWARD FLOREK

(Mr. CURTIS of Missouri (at the request of Mr. SHORT) was given permission to extend his remarks at this point in the RECORD.)

Mr. CURTIS of Missouri. Mr. Speaker, I have today introduced a bill for the relief of Dr. Edward Florek, a native Hungarian who fled his home country in the uprising of 1956. Dr. Florek, after leaving his home country lived in various parts of Europe before coming to the United States under the medical exchange program which is sponsored by our Government. Working under this exchange program, Dr. Florek is now associated with St. Luke's Hospital in St. Louis and has become an honored member of the St. Louis community.

The bill which I have introduced would waive the 2-year foreign residence requirement which is provided in the statute for those exchange physicians who wish to make the United States their permanent home. The original concept of the exchange program was to bring doctors, as well as other students and practitioners in a wide range of fields, to this country to learn the advanced skills which are in use here with the idea that, at the end of their stay, they would return to the country of their origin to improve the society from which they came. Dr. Florek cannot return to his native Hungary. The concept of the 2-year foreign residence requirement, designed to discourage the exchange visitor from remaining in this country, does not apply in this case and I would ask that this requirement be waived.

## EMPLOYMENT IN THE DYNAMIC AMERICAN ECONOMY

(Mr. CURTIS of Missouri (at the request of Mr. SHORT) was given permission to extend his remarks at this point in the RECORD and to include extraneous matter.)

Mr. CURTIS of Missouri. Mr. Speaker, during our recent study of "Employment in the Dynamic American Economy," two study papers prepared as background material for our congressional teams were inadvertently omitted from the CONGRESSIONAL RECORD and from our subsequent compilation of study papers reprinted in RECORD form.

One paper, "Responsibility of the Community and the Private Economic Sector," was prepared by Prof. Austin Murphy, dean of the School of Business Administration at Canisius College, Buffalo, N.Y., and was used by the gentleman from New Jersey, Representative CAHILL, and the gentleman from Pennsylvania, Representative SCHNEEBELI, as background material for their presentation of August 2.

The other, "Twenty-five Years of Unemployment Insurance," was written by Father Joseph M. Becker, of the Institute of Social Order, St. Louis, Mo. This historical study was prepared for the use of the gentleman from New York, Representative WEIS, and the gentleman from Massachusetts, Representative MORSE, as background material for their speeches of August 10.



a ceiling of 25 percent on our contributions to a program under the auspices of international organizations. We did that only because the conferees of the other body said they were in agreement, that they were afraid the 25 percent would become a floor rather than a ceiling. We put some rather strong language in the report that we expected our contributions to these international programs be kept as much under 25 percent as possible.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Iowa.

Mr. GROSS. I regret that I have not had time to read the conference report. What did you do in the matter of supergrades?

Mr. HAYS. In the matter of supergrades, the House bill provided none, although it permitted the agency to keep those they had from the Government-wide supergrade pool. It presently has three, which were already there. The Senate bill provided 15. We compromised by giving them 10 additional, but I doubt that they will be able to retain the 3 they have from the supergrade pool.

Mr. GROSS. In other words, a total of seven?

Mr. HAYS. This will probably mean 7 new ones—a total of 10. They already had three.

Mr. GROSS. If the gentleman will yield further, there is no money figure in the conference report, is there? All financing is left to the Appropriations Committee.

Mr. HAYS. That is correct.

Mr. ADAIR. Mr. Speaker, will the gentleman yield?

Mr. HAYS. I yield to the gentleman from Indiana [Mr. ADAIR] and I would like to say before I yield, Mr. Speaker, to say that I do appreciate the support and the consideration that the other conferees from the House gave to me as the chairman of the House conferees. They were stalwart in supporting the position of the House. I appreciate the consideration of my colleagues.

Mr. ADAIR. The gentleman from Ohio has correctly and adequately stated the situation. The conferees on the part of the House made every effort to maintain the position of the House, and I think that we did so within reason. Where there were points in controversy it was necessary, of course, that there be some give and take, but this was done on a very reasonable basis.

I feel that the report before us this morning is fair and proper and within the scope of the bill which passed the House and should be agreed to.

Mr. HAYS. Mr. Speaker, I move the previous question on the conference report.

The previous question was ordered.

The SPEAKER pro tempore. The question is on the conference report.

The conference report was agreed to.

A motion to reconsider was laid on the table.

## CLARE HOFFMAN, AN ENIGMA OF THE HOUSE OF REPRESENTATIVES

(Mr. RIVERS of South Carolina asked and was given permission to address the House for 1 minute, and to revise and extend his remarks.)

Mr. RIVERS of South Carolina. Mr. Speaker, it was not my good fortune to be on the floor on September 11 when the distinguished gentleman from Iowa [Mr. GROSS] was given permission to address the House on the occasion of the 86th birthday of the gentleman from Michigan [Mr. HOFFMAN].

Many Members joined with the gentleman from Iowa [Mr. GROSS] in paying tribute to this outstanding American for attaining this enviable milestone in life.

Among those who took note of this historic event was the gentleman from North Carolina [Mr. JONES], the gentleman from Florida [Mr. HALEY], the gentleman from Michigan [Mr. KNOX], and others.

I should like to, even though it is late, add my humble tribute to this great American. In this day and age, more drenched with the blood of frustration, excitement, disgust, disappointment and discouragement than ever a mutinied ship, it is not easy for one to live 86 years, let alone serve in the Congress of the United States until this age. However, for one of our body to be as alert in mind, body, and estate as the gentleman from Michigan, this is historic.

Mr. Speaker, I have served in the Congress of the United States almost 21 years. Never in my memory have I met a man with a more alert mind and vigorous body than the gentleman whose birthday we celebrate. Neither I nor any Member of this body can notice the slightest effect the years have had on this remarkable public servant.

The Congress of the United States is a hard place in which to make a living. Its duties are exacting, its responsibilities are grave and its burdens are heavy. Many of us and many before us fall because of such a crushing load—but not the gentleman from Michigan.

Mr. Speaker, there is not a little pushing and shoving in the House. The gentleman from Michigan is not bothered by this procedure. He can meet any Member of the House on any terms desired because he is as physically and mentally alert as any Member of this Body from the youngest to the oldest. So far as he is concerned, a push or a shove is just another opportunity to retaliate in kind—and a little more vigorously, though it must be said there is never anything showing personal dislike connected with either his actions or remarks. If there is any Republican who is more attentive to his duties, both on the floor and in committee, I have not yet met him.

Mr. Speaker, in short, CLARE HOFFMAN is an everlasting enigma of our times.

Like the gentleman from Iowa says, he keeps us on our toes, which is a good thing for this parliamentary body, the greatest on earth.

## MEXICAN FARM LABOR PROGRAM

Mr. POAGE. Mr. Speaker, I call up the conference report on the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, and ask unanimous consent that the statement of the managers on the part of the House be read in lieu of the report.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

## CALL OF THE HOUSE

Mr. COHELAN. Mr. Speaker, I make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

Mr. ALBERT. Mr. Speaker, I move a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

[Roll No. 209]

Alger	Hébert	Rabaut
Anfuso	Hoeven	Reece
Arends	Holtzman	Reuss
Ayres	Horan	Rogers, Tex.
Baker	Joelson	Roosevelt
Baring	Johnson, Calif.	Rostenkowski
Bass, Tenn.	Johnson, Wis.	Rousselot
Berry	Jones, Ala.	St. George
Blatnik	Jones, Mo.	Saund
Boggs	Kearns	Schadeberg
Bow	Keogh	Shelley
Brooks, La.	Kilburn	Siler
Buckley	Kirwan	Slack
Cahill	Kluczynski	Stafford
Carey	Landrum	Staggers
Celler	Lindsay	Stephens
Cooley	McDonough	Thompson, La.
Dague	McSween	Tollefson
Devine	Macdonald	Vinson
Dingell	Miller, N.Y.	Weaver
Dooley	Milliken	Westland
Fino	Moore	Whalley
Fisher	Moulder	Whitten
Ford	Multer	Wilson, Calif.
Frazier	O'Brien, Ill.	Wright
Glenn	Pfost	Yates
Goodell	Pirnie	Young
Hall	Poff	Younger
Harrison, Va.	Powell	Zelenko

## MEXICAN FARM LABOR PROGRAM

The Clerk read the statement of the managers on the part of the House.

(For conference report and statement see proceedings of the House of September 15, 1961.)

Mr. POAGE. Mr. Speaker, I yield myself 5 minutes.

Mr. Speaker, we are again confronted with the Mexican labor bill. Unfortunately, there seems to be more misunderstanding about this simple measure than almost any measure which periodically comes before the House.

This year the House of Representatives passed a simple extension of the existing bracero law. That extension went to the Senate, and the Senate made some rather extensive amendments to the bill. Yesterday, after some rather unusual delaying tactics, the House appointed conferees. The conferees met yesterday evening and came to an agree-



ment. That agreement constitutes the conference report which is now before you.

Mr. Speaker, I believe we are bringing to the House a measure which should have the support of the most extreme partisan on either the right or the left, although I recognize it will have opposition from both directions. The very fact that there are extreme views on both sides by those who are going to oppose this report convinces me that the conference has done a pretty good job of trying to compromise our difficulties.

There are those who are going to oppose this report because they say it does not give all the protection it should give to the workers, and there are those who are going to oppose the report because they say it gives the worker so much protection that it in effect provides no opportunity to carry on our agricultural activities.

I believe that this conference report has followed a sound middle line. The House must know that, in the first place, the conferees of necessity had to make some concession to the Senate to get any kind of a bill. We could have gone there and simply said, "We are going to stand pat on an extension of this bill, and nothing else. That is all there is going to be in it."

We could have taken that position but if we had done so, we could not have gotten an extension. We would have come back with all of nothing. We thought that workers and farmers, alike, needed a bill and we tried to reach a reasonable compromise. I think we have done so and I hope my colleagues will accept this report in the spirit of compromise.

The most ardent critics of this bill will recognize that the conditions under this bracero program are so superior to what they were for farmworkers prior to the passage of the bill that those who are sincerely interested in the welfare of farm laborers will be deeply concerned in seeing that we have a bill even if they have no concern for our agricultural producers.

We had 400,000 wetbacks coming into the United States each year before we passed this bill. I think we can expect to have 800,000 come in if we do not continue the bracero program. We all know that we are going to have laborers coming in. The question is, Do we do it in an orderly manner, do we do it in a way that gives protection to the maximum number of our people? We believe that this bill will give this protection.

On the other hand, there are those who are most vitally interested in seeing that we are able to continue agricultural operations in some of our greatest food and fiber producing areas. In many sections of this country there are great agricultural operations that cannot be continued without a supplemental supply of labor. They, too, want a way of bringing in labor in a logical and reasonable manner. I think this bill does that.

Mr. Speaker, on yesterday the statement was made, and correctly, that since the passage of this bill the average wage of seasonal workers had dropped by 18

percent. I thought that was a rather remarkable statement, but I think it is a correct statement. So I went and looked to see what the reason was, and I find since the passage of this bill the price of agricultural products all over the United States has dropped by approximately 18 percent. In other words, there has been practically an exact correlation between the price of agricultural products and the wages of the itinerant workers. I do not think it is such a bad situation to have that correlation. The vice lies in the fact that we have allowed the income of the farmers who are paying these wages to drop by the same 18 percent.

Most of you folks claim to have some business judgment, most of you claim to have gone through at least the fourth grade in school and know that 2 and 2 make 4 and that you cannot subtract unless you have something from which to subtract.

You cannot pay a wage unless you have some income with which to pay it. Our farmers are still paying for these same itinerant workers just as much of what they are getting as they were paying before we passed the original bill. You cannot lay that result, I say to the gentleman from Iowa, to this bill. Charge it to the Congress. Charge it to the public that has done nothing for our farmers. That is where the vice lies.

Mr. Speaker, during the course of our history we have found it you will give the farmer a fair price for his production he will pay a fair wage to the men and women who help him produce. We have got to raise farm prices if we want to see these farmworkers' wages raised.

Mr. Speaker, what did we do in this bill? I think those who are primarily interested in getting a more restrictive program should have no concern about what we did. This bill is, by far, the most restrictive ever passed on this subject. On the other hand there are those who are primarily concerned that the bill may have gone too far—that it may be too restrictive. I expect that this latter group has better ground for concern, but I assure you that we feel that this bill is as broad as we could get.

We accepted the Senate provisions which provide that this work shall be seasonal only. Many of the folks in my State would like to employ some of these braceros on a year-round basis. But we were trying to get a bill. We were trying to get part of something for you. We saw no opportunity of getting the Senate to accept the House position on this item.

Mr. Speaker, the Senate placed a provision in the bill to prohibit the use of braceros in the operation or maintenance of power-driven machinery. The Senate bill included irrigation pumps. It included turning on the lights around the house if you have REA electricity power. It included practically everything. This is a power age, my friends. We are not working with oxen. We cannot afford to bring these people over here to simply to harness up mules. So

we made what I think is a fair and reasonable compromise.

Mr. Speaker, nobody wants these people to come in and take the place of skilled American workers. So we provided that they could not work on the operation and maintenance of self-propelled, power-driven machinery in the planting, cultivation or harvesting of crops.

Mr. HOFFMAN of Michigan. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from Michigan.

Mr. HOFFMAN of Michigan. Sometime before you finish will the gentleman tell us what the basic objection to the gentleman's position is?

Mr. POAGE. Yes. I think the basic objection is twofold. As I tried to say a while ago, the extremists on the left feel that we are going to let these people do more work than they should. The extremists on the other side feel that we are not going to make them available for as much work as we should. This matter of work with machinery is one of the basic compromises. There are those who believe that we should not let these people come in and displace American-trained workmen. We agree to that. We think they should not. On the other hand, you cannot carry on a reasonable and moderate farming operation without using machines. We have ceased to use the old scythe. We do not cut our crops that way any more. You have got to use machines. So we have said these braceros cannot operate or maintain self-propelled power-driven machinery for the planting, cultivation, and harvesting of crops. That makes it quite clear that they can do irrigation, they can drive the truck to town, they can work around the barn, and they can do a thousand-and-one things that can be helpful around the farm. They cannot take over a \$18,000 cottonpicker, and I don't know any farmer who wants them to. We think we did obtain a fair and workable compromise.

Mr. TEAGUE of California. Mr. Speaker, will the gentleman yield?

Mr. POAGE. I yield to the gentleman from California.

Mr. TEAGUE of California. First, Mr. Speaker, I would like to commend the gentleman from Texas [Mr. POAGE] on the splendid way in which he handled his responsibilities in the conference. I would like to urge the adoption of the conference report, and to state that in my view the amendments to which the House conferees agreed are not unreasonable. They are amendments which the farmer, the user of Mexican labor, can live with. Again I urge the adoption of the conference report.

Mr. POAGE. Mr. Speaker, the other provisions of the Senate bill which we accepted are very largely but a restatement of existing regulations. The much discussed and highly controversial McCarthy amendments, were completely eliminated. I think the conference report is a fair and equitable proposition. I hope the House will adopt the conference report as we will in this way be getting a part of something for every-



body and letting no one wind up with all of nothing.

Mr. Speaker, I now yield to the gentleman from Texas [Mr. MAHON].

Mr. MAHON. Mr. Speaker, many thousands of braceros are used in the congressional district which I represent. Representatives of the Texas users of bracero labor have been in Washington this week in connection with the consideration of the pending legislation. I have conferred at length with members of the group. They are familiar with the content of this conference report.

They feel that the conference report is so restrictive, that they cannot successfully continue to use braceros as they have in the past, and they have expressed to me the feeling that they would rather have no bill at all than to have the bill in the conference report, which is before us here today.

I think this statement as to the users would probably give some aid and comfort to people who live in cities and who do not really understand farm labor problems and who feel that farm labor is being exploited by this legislation.

Mr. Speaker, farm labor is not being exploited by this legislation and, certainly, the restrictions here would make it all the more true that domestic workers would not be discriminated against or thrown out of employment. This legislation is unsatisfactory because it is too restrictive on farmers. Under the circumstances it might be better to abandon the whole idea and try another approach to this problem at a later date. It may be that some of us will feel compelled in view of the wishes of our growers to vote against the entire conference report. The members of the bracero users groups who have been in town, as I have stated, feel that the pending bill is probably worse than no bill at all. They are aware of the problems involved. If this bill becomes the law it will be a serious blow to many Texas bracero users. On the other hand, undoubtedly many users would rather have the pending bill than no law at all, even though they are deeply disappointed with the pending measure.

Mr. Speaker, this is not said in criticism of the conferees—the gentleman from Texas and the other conferees have worked diligently and have done the best they could under the circumstance and in the light of the opposition which they have encountered. I commend them for their efforts.

Mr. WALTER. Mr. Speaker, will the gentleman yield?

Mr. MAHON. I yield to my friend from Pennsylvania.

Mr. WALTER. Does not the gentleman feel that the provisions of the basic immigration code with respect to the admission of people for temporary employment are adequate? Why should not these people be paroled in the United States under whatever conditions are agreed upon, such as is the case with many other aliens.

Mr. MAHON. I would say that that represents the viewpoint of a number of users in my area. But, on the other hand, they are not absolutely certain that by the technique to which the gen-

tleman has referred, in other words, the immigration approach, that they can get these workers and under satisfactory arrangements. What they want is to acquire these workers to do the essential work for which there is no domestic labor available.

Mr. WALTER. I should like to call the attention of the gentleman to a situation that we have found to exist in the Pacific Northwest, where there are a large number, I think 3,000, Japanese who are temporarily working in the orchards doing stoop labor work. They are there doing this work because there are no citizens available for that type of work. It seems to me, the experience we have had there would indicate that that sort of arrangement is preferable to this legislation.

Mr. MAHON. The gentleman from Pennsylvania may have a good point there. But there is considerable uncertainty involved. I repeat this pending conference report is entirely too restrictive from the standpoint of many of the farmers with whose farm labor problems I am fully acquainted.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from Iowa [Mr. COAD].

Mr. COAD. Mr. Speaker, I think this House ought to ask itself a question: Why has every national church organization voiced its opposition to the simple extension of Public Law 78? The answer to that question is the fact that a simple extension did nothing to raise the wage benefits to the national workers from Mexico and which in turn does nothing for our domestic migratory workers.

The conference yesterday took out the Senate amendment which did the only thing toward raising the wage level in the Mexican farm labor program. So we are right back to where we were when the House voted out this bill in the beginning, of doing absolutely nothing to raise the wage benefit. So that our domestic migratory workers are right down again on their back, without a prayer, without a plea, without even one phantom hope that next year things are going to be better, because we are going to have some of the Mexican braceros off our back wage-wise.

The Senate amendment raised the level to 90 percent of the State or national rate, whichever is lower. Also the domestic workers were to be given the first chance at the work. But the conferees took that all away. We are right back to a 50-cent minimum wage for the Mexican workers with the free market wage for our migratory workers even less than this in some places.

I would say in answer to the gentleman from Texas that it is a poor excuse to come on the floor of this House to simply legitimize wetbacks coming into this country. If this is the only excuse we have for this legislation, it ought to be killed and killed immediately. If we killed the whole program and let it go over to the next year, the next session, it would not hurt. We could start over and get at the program, get at

these bills from migratory workers in our own country, for our own citizens, and do the thing right.

Furthermore, I want the RECORD to show that I am concerned about the prices farmers are receiving. I voted for the program to lift the prices on farm commodities. What I believe is that we have to look at the whole program, the national interest, from two angles, from the wage level as well as the price level. We do not say to our workers nationwide, "Go out and get any wage you can get, but if the prices of manufactures go up, then automatically you will get some." No, we come to the Congress and say there is going to be a minimum wage and that is the least amount in interstate trade we are going to permit to be paid to our workers. I say something ought to be done for these unfortunate people who are the migratory workers in our country. They are not organized. They have no voice to speak for them. And here we are importing these workers from south of the border, and by that we discourage their plight and their economic situation in this country. I urge the conference report be voted down.

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from New Mexico [Mr. MORRIS].

Mr. MORRIS. Mr. Speaker, I suppose I am one of these radicals that the gentleman from Texas was speaking about a while ago, because I do not approve of the amendments the Senate placed in this bill. I think the Department of Labor under the last administration and under this administration has been trying to use Public Law 78 as a vehicle to put into effect a minimum wage and hour law for agricultural workers. If that is what the Congress wants, a minimum wage and hour law for agricultural workers, then we should bring out a bill for that purpose, and it should be debated here on the floor of this House, and we should either vote for it or reject it. The House should be able to work its will.

I do not know whether the proponents think they cannot pass it or whether there is some other reason for trying to add more restrictions to Public Law 78. I want to ask the gentleman from Texas a question. I respect the conferees. I know the hard work they have put in on the program, and that they have tried to bring in a workable bill. But our farmers in New Mexico are very concerned about it.

Section 504, subsection 1, states: for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship.

Is the Secretary going to make specific findings in each one of these cases?

Mr. POAGE. He will have the authority under this bill to make the finding just as broad as he wants to or just as narrow as he wants to.

In other words, as far as this section is concerned, the Secretary will have the authority to find that Tom MORRIS needs to employ additional labor the year around, if he can find it, or the Secretary could find that the whole State of New



Mexico needs to employ labor on a yearly basis, and he could make a finding confined to one individual or applicable to a whole State. It is entirely up to the Secretary of Labor under the terms of this bill.

Mr. MORRIS. The gentleman is saying that this does give the Secretary of Labor more discretion?

Mr. POAGE. I am saying that this gives the Secretary of Labor almost unlimited discretion as to the use of these workers on a year-round basis. I am not saying how the Secretary is going to exercise that discretion or that he will exercise it at all.

Mr. MORRIS. I thank the gentleman.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Arkansas [Mr. GATHINGS].

Mr. GATHINGS. Mr. Speaker, as the gentleman from Texas so well stated to the House, this legislation provides that you cannot use this labor except for temporary agricultural employment in this country. It is stoop labor, that is what it is. Also he brought out the point well about the provision in the conference report which had to do with power-driven machinery. You cannot use this labor on a self-propelled combine or tractor. They can drive a truck or move irrigation equipment. The gentleman from Iowa, a very able member of our Committee on Agriculture, has discussed the matter of wages. I do not believe that this legislation here is the forum in which to set a minimum wage for agricultural workers in this country. This is not the proper place. This is a bill authorizing our Government to negotiate an international agreement with the Republic of Mexico to bring in labor when we need it to supplement our present domestic supply.

Mr. COAD. Mr. Speaker, will the gentleman yield?

Mr. GATHINGS. I yield to the gentleman from Iowa.

Mr. COAD. I agree with the gentleman that this is not a minimum wage bill and should not be used as a vehicle to bring it in, but my point is that we ought to pay a wage to the Mexican nationals that is sufficiently high so it does not depress our own migratory workers and give them the first opportunity for the job.

Mr. GATHINGS. The point is that the gentleman would like to see this legislation be a vehicle to establish a minimum wage.

Mr. COAD. Only for the Mexican nationals.

Mr. GATHINGS. There is a reason why these people from down in Texas object to certain provisions in this conference report. So many of our own people will not do this kind of work. I have in my hand here a clipping taken from the Arkansas Gazette of October 7, 1961, which is headed "Farm Jobs Go Begging, Mississippi County Cuts 17,000 From Food Rolls." So, they took that 17,000 off the rolls and said to them, "until such time as you get out there to help us harvest our crops, you cannot receive these foods." Arkansas farmers want to utilize the local supply of labor as much as

possible. The cost of bringing in the Mexican labor is excessive. The cost per man averages \$42.60 to recruit the worker at the border, transport him to the place of his employment in Arkansas, and deliver him back to the border after the contractual obligation has been performed. This \$42.60 is not reimbursable to the farmer.

The Gazette article follows:

[From the Arkansas Gazette, Sept. 7, 1961]  
FARM JOBS GO BEGGING, MISSISSIPPI COUNTY CUTS 17,000 FROM FOOD ROLLS

BLYTHEVILLE, September 6.—The Mississippi County welfare director said today that 17,000 persons would be cut off the list of county residents receiving free food.

Welfare Director Floyd Irby said the action was taken in an attempt to force able-bodied persons to take available jobs. The cotton-picking season is at hand and many farmers in the county have reported having trouble finding workers, he said.

Mississippi County has had 27,000 persons—about 40 percent of its population—on the rolls to receive free food under a federally supported program of distributing surplus commodities.

Irby said no truly deserving cases would be cut off and all persons eliminated would have the right to have their cases reviewed. "We aren't going to take the commodities away from the people who can show us they need and deserve them," Irby said, "and we aren't going to embarrass them."

But he said the program "has snowballed until it has gotten out of hand." He said the number of persons getting the food had increased steadily.

#### COST \$3,000 A MONTH

He said it was costing the county \$3,000 or more a month—even with the use of county equipment and some prison labor—to transport the food from Little Rock and store and distribute it here.

Irby said complaints from farmers about the difficulty in finding seasonal help had been mounting. "We've had complaints of tractor drivers leaving their tractors in the middle of the field in order to get in and pick up commodities" he said.

He said that with the jobs available in the cotton fields this fall he didn't think any able-bodied person would have any trouble finding work. He indicated that the rules might be relaxed after the seasonal job peak passed.

In the past, persons have qualified for the free food merely by signing a statement that they earned below a minimum figure. The cutoff is \$900 a year for single persons, \$1,500 for two persons and \$300 additional for each additional person in the family.

#### TEN THOUSAND LEFT ON

Of the 10,000 persons who will be left on the free food rolls, 6,000 are public assistance cases certified by the State welfare department, Irby said.

He said that in the future any have to prove that he deserves it. He said his office might spotcheck the rolls and prosecute persons who fraudulently represent their economic condition.

Under the program, the Federal Government supplies the food, the State welfare department administers the program, and counties pay the transportation and distribution costs.

The principal items of the food dole are flour, rice, beans, dried milk, peanut butter, canned meat, lard, and butter.

Irby said he had conferred with regional officials of the State welfare department before taking his action today.

At Little Rock, Welfare Commissioner Carl Adams said that what Mississippi County was doing, in effect, was to remove from free

food eligibility all persons except those receiving some sort of welfare grant.

Adams said several other Arkansas counties had done this in the past and some counties had this sort of limit permanently.

Some Arkansas counties—notably Pulaski, which includes Little Rock—do not take part in the program at all.

St. Francis County, Ark., has likewise removed 14,000 persons from the surplus food distribution program. An article from Forrest City (Ark.) Times-Herald of September 13, 1961, is reprinted herewith:

[From the Forrest City (Ark.) Times-Herald, Sept. 13, 1961]

COUNTY JUDGE CLARK SLASHES SURPLUS FOOD LIST TO PROVIDE LOCAL LABOR FOR COTTON HARVEST

County Judge Darrell Clark announced today that some 14,000 persons have been dropped from the surplus food commodity list in St. Francis County.

The action, taken each year, cuts into the rolls a little deeper this year because of an anticipated shortage of labor during cotton harvest in this area.

The judge said he cut the rolls down to the "actual regular welfare clients," about 5,000 persons. Some 19,000 persons were receiving food surplus in the county prior to the cut.

"We have deleted all those persons who are physically able to work," said Judge Clark. Gov. Orval Faubus earlier this week had commended several counties for cutting welfare rolls when work is available.

Employment Security Division head for three counties, George Baskin of Forrest City, backed up the judge's statement of a worker shortage:

"Our latest figures indicate that there will be a shortage of some 3,800 laborers, not counting Mexican, during cotton picking," he said.

The Memphis Commercial Appeal carried a splendid editorial on this subject under date of September 13, 1961.

The editorial follows:

[From the Memphis (Tenn.) Commercial Appeal, Sept. 13, 1961]

#### ANOTHER NEWBURGH

Some of the nationwide attention that has been going to Newburgh, N.Y., for its effort to reform welfare is being diverted to Blytheville, Ark.

In a way, the attention is misdirected. It is an old Southern custom to put aside other things, including schoolwork, while there is cotton to be picked. The cotton picking machines are changing that. While there is still hand picking, the number of pickers has declined and there is every reason to expect further decline.

There is cotton picking work available in Mississippi County this season and Blytheville has become another Newburgh by taking more than 21,000 persons off the free food list.

The point is, we suggest, that nearly 300 letters have come from all over the United States, and 4 out of 5 of them approve. Which is to say that a considerable number of persons are disturbed by welfare policies that make it easy for an able-bodied person to turn down work. When Newburgh and Blytheville contradict this trend some of those who have been disturbed take the trouble to applaud by mail.

Growing cotton in the great Alluvial Valley in the Midsouth is the most hazardous of all agricultural endeavors. In this area which includes southeast Missouri, western Tennessee, eastern Arkansas, western Mississippi and portions of Louisiana the crops depend on fallen



rain. Its rarely that the majority of these farmers have good weather conditions which is so essential to success. They are at the mercy of the elements. In the current year eastern Arkansas farmers have a late crop due to excessive rains in the spring and early summer.

The cotton in a good part of the area had to be planted over as much as three times. Hail storms wiped out quite a large acreage of all crops in parts of two counties which I am privileged to serve—now its cold weather and the threat of an early frost. All this with a greatly increased cost of farm machinery, taxes and labor makes farming an occupation of high-risk uncertainty. I hope the conference report will be agreed to.

Mr. POAGE. Mr. Speaker, I yield to the gentleman from Indiana [Mr. HALLECK].

#### LEGISLATIVE PROGRAM

Mr. HALLECK. I appreciate the gentleman yielding to me at this time. I expect it is rather generally known that we will have to make some rearrangement of the program for today, and in view of that fact I would like to inquire of the acting majority leader as to the proposed program for Monday next and as to the time for the convening of the House on Monday next.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, Monday is Consent Calendar Day, and there will be 14 suspensions.

Mr. HALLECK. Will the Consent Calendar be called?

Mr. ALBERT. The Consent Calendar will be called.

#### HOUSE MEETS AT 11 O'CLOCK MONDAY, SEPTEMBER 18

Mr. ALBERT. I would like, before announcing the bills under suspension, to ask unanimous consent, Mr. Speaker, that when the House adjourns today it adjourn to meet at 11 o'clock on Monday next.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### SPEAKER PRO TEMPORE EMPOWERED TO DECLARE RECESSES— CONFERENCE REPORTS MAY BE CONSIDERED THE SAME DAY REPORTED

Mr. ALBERT. And if the gentleman will yield for the purpose, I would like also to ask unanimous consent that at any time during the remainder of this session it may be in order for the Speaker pro tempore to declare recesses subject to the call of the Chair, and that during the remainder of the session it shall be in order to consider conference reports the same day reported, notwithstanding the provisions of clause 2 of rule XXVIII.

Mr. HALLECK. Mr. Speaker, reserving the right to object, may I say in connection with this request that this matter has been called to my attention.

It is standard procedure as we come up to the end of a session. I sincerely hope it is not objected to, because its adoption will very materially expedite the business of the House of Representatives to the objective of sine die adjournment.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. ALBERT. The 14 suspensions in order on Monday are:

First, S. 2393, schools, extend assistance to impacted areas.

Mr. HALLECK. Mr. Speaker, may I at that point say that while the calendar lists the bill as just dealing with assistance to impacted areas, it is my understanding that it also includes the extension of the National Defense Education Act.

Mr. ALBERT. Mr. Speaker, if the gentleman will yield, that is my understanding. It is further my understanding that with the exception of the title of the bill it is the identical bill that was previously passed by the House.

Mr. HALLECK. I can say I have never been quite sure just why the other body did not adopt the bill we sent over there as it came from the House. Maybe there was some idea that the House bill over there might serve as a vehicle for further aid to education next year; but in my opinion it could not be so used.

I yield to the gentleman.

Mr. ALBERT. Second, S. 1459, postal service, longevity step increases.

Third, H.R. 5751, Subversive Control Act, registration of certain persons.

Fourth, H.R. 9096, television contracts, baseball, basketball, football, and hockey.

Fifth, H.R. 6145, taxes, reduced credit provisions, postponement.

Sixth, H.R. 8914, agriculture, participation feed grain program, 1962.

Seventh, H.R. 7377, Federal employees, top grade employees increased.

Eighth, H.R. 8565, Armed Forces, Federal employees, election of compensation.

Ninth, H.R. 3019, Government Printing Office building.

Tenth, H.R. 5628, Hawaii, botanical gardens.

Eleventh, S. 302, Minnesota, funds, Superior National Forest.

Twelfth, H.R. 947, Saint Mary's River lock, to be named John A. Blatnik lock.

Thirteenth, H.R. 4172, Federal Advisory Committee on Arts.

Fourteenth, H.R. 7318, supplemental air carriers.

And if the gentleman will yield further, I would like to make these additional announcements: These bills may not necessarily be called in the order in which I have listed them.

If bills under suspension are completed early enough on Monday we reserve the right to program for Monday H.R. 9118, to establish the U.S. Arms Control Agency, and House Joint Resolution 569, Atomic Energy Act, cooperation between the United States and France.

I would like further, Mr. Speaker, to advise the House that we hope to be able to announce an additional program for

the remainder of the week on Monday next.

Mr. GROSS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Iowa.

Mr. GROSS. Will this list of suspensions be made available in the document room so that we can get the bills before it closes this afternoon?

Mr. ALBERT. I will be glad to accommodate the gentleman in that regard, if possible.

Mr. HALLECK. Mr. Speaker, I have the list that the acting majority leader has given to me, and I will leave it on the desk. Any Member who wants to may either see it during the afternoon, or at least until we adjourn this afternoon, and he can get the information as to which bills are included.

Mr. ALBERT. I have a similar list which will be available to any Members who desire to see it.

Mr. HALLECK. How many of these bills are on the Consent Calendar for Monday?

Mr. ALBERT. I am happy to advise the gentleman, that four of them are on the Consent Calendar.

Mr. HALLECK. And they may be disposed of on the call of the Consent Calendar?

Mr. ALBERT. I am sure that some of these are not very highly controversial.

Mr. HARRIS. Mr. Speaker, will the gentleman yield?

Mr. HALLECK. I yield to the gentleman from Arkansas.

Mr. HARRIS. May I ask our distinguished acting majority leader if there are bills that would ordinarily go on the Consent Calendar but they are not reported in time, would it be in order, if clearance can be obtained on both sides, to call them up on Monday during the time the Consent Calendar is being called?

Mr. ALBERT. The answer is "Yes." That applies, of course, to any day during the remainder of the session.

Mr. HARRIS. I thank the gentleman.

Mr. HALLECK. I did not hear part of that colloquy between the gentleman from Arkansas and the acting majority leader. As far as I am concerned, there has been no arrangement made for suspensions on Monday next other than those announced.

Mr. HARRIS. I did not mean suspensions. I had reference to consent matters.

Mr. HALLECK. I see.

Mr. ALBERT. It is the standard procedure that when both sides agree, including the ranking members of the committees, the chairman of the committees, and the leadership on both sides, bills may be called up by unanimous consent at any time.

#### MEXICAN FARM LABOR PROGRAM

Mr. POAGE. Mr. Speaker, I yield 3 minutes to the gentleman from California [Mr. COHELAN].

(Mr. COHELAN asked and was given permission to revise and extend his remarks.)

Mr. COHELAN. Mr. Speaker, on yesterday when we were arguing this matter in reference to whether or not



this bill should go to conference, we made it perfectly clear that we had the opportunity to adopt the provisions of the Senate bill. The simple history of the matter is the bill went to conference, the conference was clearly rather congenial, it did not take very long, so we now have the bill before us again today.

We are asked to adopt a conference report without the so-called McCarthy amendment in the bill; an amendment which simply calls for payment of the prevailing wage in the labor market area, or the national average of farm wages, whichever is the lesser.

Then I am confounded today when I hear one of the most distinguished Members of this House, the gentleman from Texas [Mr. MAHON], indicate that he too is dissatisfied with the conference report because it goes too far. This absolutely shocks me. On the other hand, I am pleased with this development because it is consistent with the position I have taken from the time we started to talk about this bill.

My good friend, the gentleman from California [Mr. GUBSER], has asked me, Why are you so opposed to this bill? I want to tell the House why I am interested in the bill. The group that we are talking about is the most defenseless, the most helpless group of workers in our American society, and at a time in world history when we are trying to win friends and influence people, little people everywhere, in our own country we continue to exploit poverty, ignorance, and destitution. That is what the Mexican farm labor bill does.

We sit around here and talk about wages. I do not want to argue this question again. I will refer you to my speech on yesterday. The time for argument has gone.

I happen to have studied some labor economics and I know enough to know what the hazards are in any industrial society.

The loss of income associated with unemployment, sickness and old age is bad enough for the ordinary citizen and worker in our dynamic system, but the migrant American worker is confronted with all these hazards completely stripped of the most basic and humane benefits offered by our economy and our society. There are even places in the United States where these American workers are not even considered fit objects of the greatest of all Christian virtues—charity.

There are but few, if any, workers in the American economy that are not covered by social security, by unemployment insurance, by workmen's compensation or by some other form of social benefits and who cannot reasonably protect their labor market through collective bargaining or legislation.

But what does the itinerant worker get? He gets nothing.

It is an example of the poor taking care of the poor.

I defy anyone to go out into the field, as the subcommittees of this House have done, and observe the conditions and study the figures and listen to the people in the Labor Department tell you what the objective situation is, and say

that we can in good conscience support this kind of indifference to the most depressed group of American workers in our affluent society.

This is a bad bill. As has been indicated, we can let this bill go over and it is not going to hurt the interested States at all. We can take another look at it next year. I urge the membership of the House to vote down this conference report because it does not contain the modest but critically important McCarthy amendment. I urge the House to vote down this conference report so that next year we can give this matter the attention and consideration it both deserves and demands.

#### GENERAL LEAVE TO EXTEND

Mr. ALBERT. Mr. Speaker, in view of the circumstances which confront the House, and announcing that it will not in any wise be a precedent, I ask unanimous consent that it may be in order for all Members of the House today to extend their remarks in the Appendix of the RECORD and to include extraneous matter, if they so desire.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

#### SPECIAL ORDERS FOR TODAY

The SPEAKER pro tempore. If there is no objection, those Members who have special orders for today may have permission to insert their remarks in the body of the RECORD.

There was no objection.

#### MEXICAN FARM LABOR PROGRAM

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from Michigan [Mr. HOFFMAN].

Mr. HOFFMAN of Michigan. And they want the minimum wage raised?

Mr. POAGE. Yes, they do.

Mr. HOFFMAN of Michigan. And they come principally from the cities?

Mr. POAGE. Yes; predominantly.

Mr. Speaker, I yield 2 minutes to the gentleman from Florida [Mr. MATTHEWS].

Mr. MATTHEWS. Mr. Speaker, I think there are several matters that should be emphasized that I do not believe the House probably understands correctly.

In the first place, this program has been very popular with the Mexican nation. I was very pleased to hear testimony before our Committee on Agriculture pointing out what this program meant with respect to the standard of living of the people of Mexico. It is a program that has enabled Mexican nationals to become farmers, to appreciate the meaning of private enterprise, to understand something of the opportunities of a better way of life. I think I can say to you on the basis of the facts that this is a very popular program with the Mexican people.

Then we talk so much, Mr. Speaker, about the low wages of the Mexican migratory workers, and imply that there

are low wages for other migratory workers, and that is agreed, but we do not hear enough about the high wages the worker with physical ability and determination can make. It is not uncommon for migratory workers to make \$10 a day or \$15 a day or \$20 a day.

My dear friend talks of the defenseless migratory workers. But I speak about the defenseless farmer. My friends from the city who understand this problem will realize that if you have strawberries in the field, when you have celery or beets, and you need to have your crops harvested, you are defenseless, you have to have some kind of program to enable you to get help to harvest those crops. You cannot get this kind of labor in America all the time. You have to have a good program such as this to aid in getting the necessary labor.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. GUBSER].

Mr. GUBSER. Mr. Speaker, I am glad to follow the gentleman from Florida simply to add to what he has said and emphasize it with a concrete example.

I know a fellow in Mexico by the name of Martin Ornellas, who came from Mexico into central California as a bracero in the year 1940. He returned on two other occasions. When he went back to Mexico the first time he entered into the transportation business, with the purchase of six burros. He came back two more times. He eventually bought a truck. I am proud to say that today Martin Ornellas is a very prosperous businessman in the state of Guadalupe.

This bill is responsible for the building of a thriving middle class in Mexico. The Ejido system, where public lands are dispersed free of charge to individuals in Mexico, would have failed if some of these people had not been able to come to this country and get a grubstake, the know-how, and the tools required to work their Ejido farm. Because of this, we have been able to upgrade the condition of the people of Mexico and create a new, thriving, middle class in that country.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from New York [Mr. SANTANGELO].

(Mr. SANTANGELO asked and was given permission to revise and extend his remarks.)

Mr. SANTANGELO. Mr. Speaker, I am opposed to this conference report; however, I compliment the conferees on taking a progressive forward step in agreeing to the restriction as to the use of power driven machinery by Mexican workers. It was the original intention of Public Law 78 to have these workers work with their hands doing stoop labor, and to work only with their hands.

Mr. Speaker, let us face the facts here. This program in essence is a cotton program. The work that we are talking about here is the work of planting, cultivating, and harvesting the cotton crop, and chopping and hoeing; 90 percent of all braceros work on the cotton farms whose products are subsidized by our Government. What wages do you think the braceros are being paid? They are getting 50 cents an hour under a treaty with the Mexican Government. That is



in Texas and Arkansas. But this is not the case in the State of California, where braceros on the food farms doing piecework earn \$1 an hour or better. Local domestic help earns from 35 cents to 40 cents an hour in Texas and Arkansas. This bracero program is not a food program, it is a cotton program. In the State of California, Mexican braceros and domestic workers are being paid \$1 an hour. But this proposed legislation regarding prevailing wages in the State or Nation as a minimum wage does not affect them.

Mr. Speaker, I am sorry that this body has been denied the right to pass the McCarthy amendment, which would have provided a reasonable level of wages so that the farmworkers would have reasonable purchasing power in the States of Arkansas and Texas and in the other States where wage conditions are so depressed, and where domestic help and braceros do not receive a decent wage.

Mr. Speaker, this bill is wrong. This program is un-Christian and immoral. It allows people to be used and allows their labor to be exploited at wages that are very depressed and very unfair. I say that when this bill is passed, it will subsidize in yet another way the cotton industry in America, and everyone knows that we have a surplus of cotton right now and we also know that the cotton industry is already getting a subsidy from the Government.

Mr. Speaker, this conference report, despite its good features, is bad on the whole. The bill is bad and this is a bad program which should come to a very speedy end. While I recognize the need of the American farmers to obtain labor, this need does not justify exploitation of Mexican workers under intolerable living conditions and low wages. Simple justice requires that we do not permit mankind and the worker to be used and abused. I trust that this conference report is rejected and we shall consider the bracero program next year.

Mr. POAGE. Mr. Speaker, I yield 2 minutes to the gentleman from California [Mr. Sisk].

Mr. SISK. Mr. Speaker, I think there is a principle involved here. I have always supported minimum wages for the workers of America. I said in debate sometime earlier in the session, I would support a minimum wage for agriculture. I realize many people would oppose that, but the principle involved here is that we are being asked under the proposal of the other body to delegate our jurisdiction over this matter and to turn over to the Secretary of Labor the right to set a minimum wage for agriculture. If the House of Representatives desires to set up a minimum wage program for our farmworkers of America, then, as I said before, I will support adequate and proper legislation to do that very thing. I am concerned about the plight of a great many of our agricultural workers and of our migrant people. But, certainly, I would plead with my colleagues that this is not the way to do it. What we are actually being asked to do or were asked to do by the action of the other body is to delegate to the executive

branch of the Government the right to determine, first, the amount of wage which they should receive, and then to set it as a minimum. I do not believe the Members of the Congress want to legislate in that way. That is the reason I hope this conference report will be adopted and, then, to those of you who are pleading for an improvement in the living conditions and in the wage standards for the migrant workers of our country, I say, let us approach it in a proper way with legislation which will provide for that, but not to give away our own jurisdiction over this subject to some Secretary in the executive branch.

Mr. Speaker, I think the conferees on this bill have done an excellent job. I appreciate the fact that the conferees on the part of the House in accepting some of the amendments of the other body, actually, were hurting themselves and hurting the operation of the program in their area. As a Representative from the State of California, I want to express to our conferees my deep appreciation, because I think that some of the Senate amendments were good. In fact, at least one of them was an amendment which I supported here on the floor of the House. I want to pay tribute to the gentlemen on the outstanding job that they have done, and I hope the conference report will be adopted.

The SPEAKER pro tempore. The question is on the adoption of the conference report.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. COAD. Mr. Speaker, on this I demand the yeas and nays.

The SPEAKER pro tempore. Members in favor of taking the vote by the yeas and nays will rise and remain standing until counted.

Twenty-four Members have arisen, not a sufficient number.

The yeas and nays were refused.

The conference report was agreed to. A motion to reconsider was laid on the table.

#### THE HONORABLE SAM RAYBURN

(Mr. IKARD of Texas asked and was given permission to extend his remarks at this point in the RECORD, and to include an article.)

Mr. IKARD. Mr. Speaker, 21 years ago today, the House of Representatives elected a new Speaker of the House. SAM RAYBURN, of Texas, was chosen by the Members of the House to preside over its deliberations.

Now, in 1961, after his 21 years of almost continuous service in the Speaker's chair, and 55 years of public service, we pay tribute to our beloved "Mr. SAM." He is truly the greatest statesman of them all, and has the love and respect of not only the Members of the House of Representatives where he has presided so superbly for so many years, but the love and respect of the entire Nation.

On September 26, 1961, the Texas-Oklahoma Fair held annually in the district which I represent is honoring this great American statesman and fellow

Texan on "Sam Rayburn Day." In this connection, I wish to insert into the RECORD an editorial on the subject from the Wichita Falls Record News, as I think this editorial expresses the sentiment of us all at this time.

[From the Wichita Falls Record News, Sept. 8, 1961]

HONOR SAM RAYBURN

One of the most appropriate things the Texas-Oklahoma Fair at Iowa Park ever did was to dedicate the exhibition this year to Speaker SAM RAYBURN. No Texan ever deserved recognition more than Mr. SAM.

However, the occasion might be a place to start an even more important movement. Next January 6 Speaker RAYBURN will celebrate his 80th birthday. At that time, he will have spent almost 55 years in service of his fellow Texans. He was elected to Congress to start an uninterrupted service in 1913.

Previous to that he had spent 6 years in the Texas House of Representatives—including two terms as speaker of the Texas House.

That 80th birthday gives us Texans an opportunity to do something special for this the most beloved of Texans. We think it is time to start right now to make next January 6 a great day for Speaker RAYBURN and for Texas.

We feel that Texas' own Vice President LYNDON JOHNSON and our President John F. Kennedy would be glad to go along enthusiastically about anything special Texans would like to do for Mr. SAM.

But we think the movement should come from the grassroots so capably served by Speaker RAYBURN for so many decades. We feel that we who are just ordinary citizens of Texas who have felt he has represented not only his district but his whole State and his whole Nation should take the leadership in a national "SAM RAYBURN Day."

What can we do?

There are several things. Maybe it could be something for that library at his Bonham home or a memorial at Washington. It might even be more appropriate and in the true RAYBURN spirit if it were a scholarship fund to provide training for the many fine young men and women in his home district. At least that would be a living tribute to a great public servant.

We would like for this editorial to start a statewide move to make "SAM RAYBURN Day" next January 6 something that the whole Nation will remember for a long time.

#### PEACE CORPS ACT

Mr. MORGAN. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, with Senate amendments thereto, disagree to the amendments of the Senate and agree to the conference asked by the Senate.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. JAMES C. DAVIS. I object, Mr. Speaker.

#### DELAWARE RIVER BASIN COMPACT

Mr. WALTER. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the resolution (H.J. Res. 225) entitled "Joint resolution to grant the consent of Congress to the Delaware River Basin compact and to enter into



such compact on behalf of the United States, and for related purposes," with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the resolution.

The Clerk read the Senate amendment, as follows:

Strike out all after the resolving clause and insert:

#### PART I—COMPACT

Whereas the signatory parties recognize the water and related resources of the Delaware Basin as regional assets vested with local, State, and National interests, for which they have a joint responsibility; and

Whereas the conservation, utilization, development, management, and control of the water and related resources of the Delaware River Basin under a comprehensive multipurpose plan will bring the greatest benefits and produce the most efficient service in the public welfare; and

Whereas such a comprehensive plan administered by a basinwide agency will provide effective flood damage reduction; conservation and development of ground and service water supply for municipal, industrial, and agricultural uses; development of recreational facilities in relation to reservoirs, lakes, and streams; propagation of fish and game; promotion of related forestry, soil conservation, and watershed projects; protection and aid to fisheries dependent upon water resources; development of hydroelectric power potentialities; improved navigation; control of the movement of salt water; abatement and control of stream pollution; and regulation of stream flows toward the attainment of these goals; and

Whereas decisions of the United States Supreme Court relating to the waters of the basin have confirmed the interstate regional character of the water resources of the Delaware River Basin, and the United States Corps of Engineers has in a prior report on the Delaware River Basin (House Document 179, Seventy-third Congress, second session) officially recognized the need for an interstate agency and the economies that can result from unified development and control of the water resources of the basin; and

Whereas the water resources of the basin are presently subject to the duplicating, overlapping, and uncoordinated administration of some forty-three State agencies, fourteen interstate agencies, and nineteen Federal agencies which exercise a multiplicity of powers and duties resulting in a splintering of authority and responsibilities; and

Whereas the joint advisory body known as the Interstate Commission on the Delaware River Basin (INCodel), created by the respective commissions or Committee on Interstate Cooperation of the States of Delaware, New Jersey, New York, and Pennsylvania, has on the basis of its extensive investigations, surveys, and studies concluded that regional development of the Delaware River Basin is feasible, advisable, and urgently needed; and has recommended that an interstate compact with Federal participation be consummated to this end; and

Whereas the Congress of the United States and the executive branch of the Government have recognized the national interest in the Delaware River Basin by authorizing and directing the Corps of Engineers, Department of the Army, to make a comprehensive survey and report on the water and related resources of the Delaware River Basin, enlisting the technical aid and planning participation of many Federal, State, and municipal agencies dealing with the waters of the basin, and in particular the Federal Departments of Agriculture, Commerce, Health, Education, and Welfare, and Interior, and the Federal Power Commission; and

Whereas some twenty-two million people of the United States at present live and work in the region of the Delaware River Basin and its environs, and the government, employment, industry, and economic development of the entire region and the health, safety, and general welfare of its population are and will continue to be vitally affected by the use, conservation, management, and control of the water and related resources of the Delaware River Basin; and

Whereas demands upon the waters and related resources of the basin are expected to mount rapidly because of the anticipated increase in the population of the region projected to reach thirty million by 1980 and forty million by 2010, and because of the anticipated increase in industrial growth projected to double by 1980; and

Whereas water resources planning and development is technical, complex, and expensive, and has often required fifteen to twenty years from the conception to the completion of a large dam and reservoir; and

Whereas the public interest requires that facilities must be ready and operative when needed, to avoid the catastrophe of unexpected floods or prolonged drought, and for other purposes; and

Whereas the Delaware River Basin Advisory Committee, a temporary body constituted by the Governors of the four basin States and the mayors of the cities of New York and Philadelphia, has prepared a draft of an interstate-Federal compact for the creation of a basin agency, and the signatory parties desire to effectuate the purposes thereof: Now therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States hereby consents to, and joins the States of Delaware, New Jersey, and New York and the Commonwealth of Pennsylvania in, the following compact:

#### Article 1. Short title, definitions, purpose and limitations

Section 1.1 Short Title. This Act shall be known and may be cited as the Delaware River Basin Compact.

1.2 Definitions. For the purpose of this compact, and of any supplemental or concurring legislation enacted pursuant thereto, except as may be otherwise required by the context:

(a) "Basin" shall mean the area of drainage into the Delaware River and its tributaries, including Delaware Bay;

(b) "Commission" shall mean the Delaware River Basin Commission created and constituted by this compact;

(c) "Compact" shall mean Part I of this act.

(d) "Cost" shall mean direct and indirect expenditures, commitment, and net induced adverse effects, whether or not compensated for, used or incurred in connection with the establishment, acquisition, construction, maintenance and operation of a project;

(e) "Facility" shall mean any real or personal property, within or without the basin, and improvements thereof or thereon, and any and all rights of way, water, water rights, plants, structures, machinery and equipment, acquired, constructed, operated or maintained for the beneficial use of water resources or related land uses including, without limiting the generality of the foregoing, any and all things and appurtenances necessary, useful or convenient for the control, collection, storage, withdrawal, diversion, release, treatment, transmission, sale or exchange of water; or for navigation thereon, or the development and use of hydroelectric energy and power, and public recreational facilities; or the propagation of fish and wildlife; or to conserve and protect the water resources of the basin or any existing or future water supply source, or to facilitate any other uses of any of them;

(f) "Federal government" shall mean the government of the United States of America, and any appropriate branch, department, bureau or division thereof, as the case may be;

(g) "Project" shall mean any work, service or activity which is separately planned, financed, or identified by the commission, or any separate facility undertaken or to be undertaken within a specified area, for the conservation, utilization, control, development or management of water resources which can be established and utilized independently or as an addition to an existing facility, and can be considered as a separate entity for purposes of evaluation;

(h) "Signatory party" shall mean a state or commonwealth party to this compact, and the federal government;

(i) "Water resources" shall include water and related natural resources in, on, under, or above the ground, including related uses of land, which are subject to beneficial use, ownership or control.

1.3 Purpose and Findings. The legislative bodies of the respective signatory parties hereby find and declare:

(a) The water resources of the basin are affected with a local, state, regional and national interest and their planning, conservation, utilization, development, management and control, under appropriate arrangements for intergovernmental cooperation, are public purposes of the respective signatory parties.

(b) The water resources of the basin are subject to the sovereign right and responsibility of the signatory parties, and it is the purpose of this compact to provide for a joint exercise of such powers of sovereignty in the common interests of the people of the region.

(c) The water resources of the basin are functionally inter-related, and the uses of these resources are interdependent. A single administrative agency is therefore essential for effective and economical direction, supervision and coordination of efforts and programs of federal, state and local governments and of private enterprise.

(d) The water resources of the Delaware River Basin, if properly planned and utilized, are ample to meet all presently projected demands, including existing and added diversions in future years and ever increasing economies and efficiencies in the use and reuse of water resources can be brought about by comprehensive planning, programming and management.

(e) In general, the purposes of this compact are to promote interstate comity; to remove causes of present and future controversy; to make secure and protect present developments within the states; to encourage and provide for the planning, conservation, utilization, development, management and control of the water resources of the basin; to provide for cooperative planning and action by the signatory parties with respect to such water resources; and to apply the principle of equal and uniform treatment to all water users who are similarly situated and to all users of related facilities, without regard to established political boundaries.

1.4 Powers of Congress; Withdrawal. Nothing in this compact shall be construed to relinquish the functions, powers or duties of the Congress of the United States with respect to the control of any navigable waters within the basin, nor shall any provision hereof be construed in derogation of any of the constitutional powers of the Congress to regulate commerce among the states and with foreign nations. The power and right of the Congress to withdraw the federal government as a party to this compact or to revise or modify the terms, conditions and provisions under which it may remain a party by amendment, repeal or modification of any federal statute applicable thereto is recognized by the signatory parties.



## MEXICAN FARM LABOR PROGRAM

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SEPTEMBER 15, 1961.—Ordered to be printed

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Mr. POAGE, from the committee of conference, submitted the following

### CONFERENCE REPORT

[To accompany H.R. 2010]

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the Senate amendment insert the following:

*That section 502(2) of the Agricultural Act of 1949, as amended is amended to read as follows:*

*“(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker; and”.*

*SEC. 2. Clause (3) of section 503 of such Act is amended to read as follows: “(3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers”.*

*SEC. 3. Sections 504 through 509 of such Act are renumbered sections “505” through “510” respectively; the reference to “section 507” in section 508, renumbered as section “509”, is changed to section “508”; and the following new section “504” is inserted after section 503:*

*“SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—*

*“(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or*

*“(2) for employment to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery, except*



*in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship."*

SEC. 4. Section 505 of such Act, as amended, renumbered as section "506", is amended by adding at the end thereof the following:

"(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them."

SEC. 5. Paragraph (1) of section 507 of such Act, renumbered as section "508", is amended by changing the comma after the words "Internal Revenue Code, as amended" to a period and deleting the remainder of the paragraph.

SEC. 6. Section 509 of such Act, as amended, renumbered as section "510", is amended by striking "December 31, 1961" and inserting "December 31, 1963".

And the Senate agree to the same.

W. R. POAGE,  
E. C. GATHINGS,  
WATKINS M. ABBITT,  
PAGE BELCHER,  
CHARLES M. TEAGUE,  
*Managers on the Part of the House.*

ALLEN J. ELLENDER,  
OLIN D. JOHNSTON,  
SPESSARD L. HOLLAND,  
B. EVERETT JORDAN,  
GEORGE D. AIKEN,  
MILTON R. YOUNG,  
BOURKE B. HICKENLOOPER,  
*Managers on the Part of the Senate.*

## STATEMENT OF MANAGERS ON THE PART OF THE HOUSE

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H.R. 2010, to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, submit the following statement in explanation of the effect of the action agreed upon and recommended in the accompanying conference report.

The House bill was a simple extension for 2 years of the existing provision of title V of the Agricultural Act of 1949, which provides for the Mexican farm labor program. The Senate amendment struck out all after the enacting clause of the House bill and substituted language consisting of six sections which extended the act for 2 years and made several substantive amendments therein.

The committee of conference has agreed to the Senate amendments with two major changes: (1) elimination of the subsection providing minimum wage rates other than those already provided for in the act and in the agreement with Mexico; and (2) modification of the provision relating to the use of Mexican workers to operate or maintain power-driven machinery so that this provision will apply only to power-driven, self-propelled harvesting, planting, or cultivating machinery.

Following is a section-by-section explanation of the substitute to the Senate amendment agreed to by the conferees:

### SECTION-BY-SECTION EXPLANATION

*Section 1.*—The first section of the amendment makes no substantive change in the law, but incorporates in the basic act covering the Mexican farm labor program provisions now carried in appropriation acts. The Departments of Labor, and Health, Education, and Welfare Appropriation Act, 1961, requires reimbursements under section 502(2) of the basic act to include all expenses of program operations, except contract compliance expenses. Section 502(2) requires employers of workers recruited under the act to reimburse the United States only for essential expenses incurred by it for the transportation and subsistence of workers in amounts not to exceed \$15 per worker. The first section of the amendment amends section 502(2) to require reimbursement of all essential expenses, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker.

*Section 2.*—Section 503 of the basic act prohibits workers recruited under the act from being made available in any area unless the Secretary of Labor finds that—

- (1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed,
- (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural



workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Section 2 amends clause (3) just quoted to include "working conditions" along with wages and standard hours of work. The term "working conditions" is intended by the committee to refer to the physical conditions under which the work is performed, such as those concerned with sanitation and safety, and not to include terms of employment such as housing, transportation, subsistence, insurance, and work guarantees. Mexican nationals enter this country under an international agreement in accordance with the terms of a standard work contract. They are not free agents in this country. Because of this, a responsibility to remain with the employer with whom the contract is imposed upon them. They do not bring their families with them. They enter this country to do a particular job after which they return home. Domestic workers, on the other hand, are free to come and go as they please. They may seek other employment in or out of agriculture if they wish. It is not intended, therefore, to require guarantees from farmers as to housing, payment of transportation, and periods of work for workers who may not fulfill their end of the bargain.

*Section 3.*—Section 3 adds a new section 504 to the basic act. The new section prohibits the employment of any workers recruited under the act for other than temporary or seasonal employment or to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery. The Secretary of Labor may make exceptions from these prohibitions in specific cases to avoid undue hardship.

As passed by the Senate, this section applied to all power-driven machinery. The conference substitute limits its application to power-driven self-propelled harvesting, planting, and cultivating machinery.

The purpose of the program is to supplement the domestic labor force in peak periods, such as at harvest time, when crops may be lost through a lack of sufficient workers. It is not intended to provide Mexican workers for year-round jobs which might well be filled by domestic workers. Nor is it intended to provide Mexican workers for the higher skilled jobs for which domestic workers can be found.

The prohibition of this section with respect to machinery, of course, extends only to employment to operate or maintain such machinery. It would not prohibit the incidental handling of such machinery or employment merely involving power-operated machinery, such as the placing of produce on trucks, or the placing of hand-cut produce on vegetable harvesters, nor would it prohibit a worker employed for other appropriate purposes from incidental, emergency maintenance work such as the repair of a flat tire.

*Section 4.*—Under the basic act and the agreement with Mexico entered into thereunder, illness and disability insurance is provided for Mexican workers. This section will provide that such workers shall not, in addition, be subject to any Federal or State tax levy to provide illness or disability benefits for them. The committee understands that California has recently enacted a law which would provide such benefits and that the State has requested that Mexican workers be exempted from this tax.

*Section 5.*—Section 5 prohibits the furnishing of Mexican workers for certain processing activities. It excludes from the definition of the agricultural employment for which workers may be recruited under the act—

horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products.

This would leave covered by the act services or activities within the provisions of section 3(f) of the Fair Labor Standards Act of 1938 or section 3121(g) of the Internal Revenue Code (which by sec. 7852(b) of the Internal Revenue Code was made applicable in lieu of sec. 1426(h) of the Internal Revenue Code (of 1939)). Section 3121(g) includes the raising of horticultural commodities, cotton ginning, and a limited amount of packaging, processing, freezing, and storing for farm operators.

*Section 6* extends the program 2 years until December 31, 1963.

W. R. POAGE,  
E. C. GATHINGS,  
WATKINS M. ABBITT,  
PAGE BELCHER,  
CHARLES M. TEAGUE,

*Managers on the Part of the House.*













# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE

(For information only;  
should not be quoted  
or cited)

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**HIGHLIGHTS:** Both Houses agreed to conference report on Peace Corps bill. Ready for President. Senate debated conference report on Mexican farm labor bill. Senate received supplemental appropriation estimate for this Department. Senate received President's message on national forest development program. Sen. Miller and Rep. Findley criticized feed grain program.

### SENATE

- 1. PEACE CORPS.** Both Houses agreed to the conference report on H. R. 7500, to provide for the establishment of a Peace Corps (by a vote of 253 to 78 in the House). This bill will now be sent to the President. (pp. 19297-8, 19380-2). As agreed to the bill includes provisions as follows: Authorizes the appropriation of \$40 million for the program for fiscal year 1962. Authorizes the President to enter into contracts and agreements with Federal and State agencies, educational institutions, voluntary agencies, farm organizations, and others in the furtherance of the program. Authorizes the President to transfer Peace Corps funds to other Federal agencies (not to exceed 20 percent of the funds available to the Corps) for carrying out activities under the program. Authorizes the utilization of services and facilities of, or the procurement of commodities from, any Federal agency, on a reimbursable basis, as the President directs. Provides for the appointment of a Peace Corps National Advisory Council of 25 persons from educational institutions, voluntary agencies, farm organizations, labor organizations, and other groups. Authorizes heads of Federal agencies to detail employees to international organizations or foreign



governments to further the purposes of the program.

2. FARM LABOR. Began debate on the conference report on H. R. 2010, the Mexican farm labor bill (pp. 19400-02, 19405, 19406-13, 19415, 19429). By a vote of 34 to 40, rejected a motion by Sen. McCarthy to table the conference report until the next session of Congress (pp. 19406-13). Further debate on the conference report was put off until today, Fri.
3. FORESTRY. Received from the President a report prepared by this Department setting forth "A Development Program for the National Forests" (p. 19342). The President's letter submitting the report states as follows:

"This report is the response of the Department of Agriculture to the request I made in my messages to the Congress on natural resources and on American agriculture that forest development on public lands be accelerated. The developmental program recommended in the report modifies and supplements the 1959 National Forest Program submitted by the preceding Administration. The principal components of the new program are (1) substantially broadened and intensified recreation resource management, (2) acceleration of timber harvesting and management, (3) adjustment of the road and trail program to provide needed multiple-purpose roads within national forests boundaries, especially those having recreational values.

"As our nation's population increases and our industrialization grows, the obligation to preserve and to protect our nation's forest becomes greater. The forward-looking program outlined in this report holds great hope. Congressional interest in our national forests has always been high--an interest this Administration shares. I am confident that this program will be carefully reviewed by the appropriate Congressional committees and that significant progress can be made in this important field."

The names of Sens. Long, Mo., Case, S. Dak., Burdick, Johnston, Williams, N. J., Eastland, Wiley, Douglas, Smith, Mass., Stennis, Mundt, Talmadge, and Hart were added as consponsors of S. 2563, to authorize the Secretary of Agriculture to permit certain property to be used for State forestry work. p. 19345
4. MINERALS. Passed without amendment H. R. 84, to stabilize the mining of lead and zinc through Federal payments to domestic miners of lead and zinc ores. This action cleared the bill for the President. (pp. 19403-6) At the request of Sen. Lausche, Sen. Mansfield stated that he would ask unanimous consent for reconsideration of this bill today, Fri. (pp. 19421-4) A similar bill, S. 1747, which had been reported (S. Rept. 1106) with amendments earlier by the Finance Committee was indefinitely postponed. (p. 19344)
5. VIRGIN ISLANDS. Conferees were appointed on H. R. 4750, to increase the borrowing authority of the Virgin Islands Corporation (p. 19403). House conferees have already been appointed.
6. RECLAMATION. Passed as reported S. 970, to authorize construction of the mid-State reclamation project, Nebr. pp. 19414-5
7. ECONOMICS. Agreed to as reported S. Con. Res. 41, endorsing the World Economic Progress Exposition. p. 19415
8. FEED GRAINS. Sen. Miller stated that "estimates regarding the savings to taxpayers under the emergency feed grains program are certainly no more than estimates, and that, as a matter of probability, this whole program may end up being a dismal failure," and inserted an article, "Billion Dollar Bust," criticizing the program. p. 19361



quicker and at less cost than the FPC men can take off the data from your books. Through such cooperation, we can reduce the time which our representatives spend in your offices as well as the time between the filing of a case and its final disposition.

We are also considering a revision of our procedural rules to require a little more certainty from you at the time of filing as to where you stand and upon what you rely. In reading our regulation for pipeline filings for a price increase, it appears to me that we come close to requiring that you file your case-in-chief when you make your filing. We may find it necessary to say that this is precisely what you are required to file, and that a filing which is not accompanied by all of the facts upon which you will rely will be rejected as an insufficient filing.

By requiring that your cases be fully prepared in advance of filing, that our staff streamline its field investigations, and that intervenors with a common interest pool their efforts, by handing down clear precedents so that settled issues need not be relitigated, by obtaining additional Commission personnel to handle our case load, and by setting cases for prompt hearing, we hope to have a fighting chance of deciding cases within the 5-month suspension period. That is our immediate goal as to pipeline cases and ultimate goal as to producer cases once the initial area rate cases provide the ground rules. We shall make every effort to clean up our backlog of cases and to try new cases expeditiously. It will take time to get current, but we shall not stop trying until we have done so.

Let me interject at this point that when I speak of setting target periods for the disposition of cases, I am referring to cases in which the applicants seek the earliest possible determination and cooperate fully for that purpose. The provision of the Natural Gas Act which limits any suspension of rate increases to 5 months itself may create an incentive to delay. Obviously it will never be possible for the Commission to close a case within the target period if it must drag reluctant parties through each step of the proceedings.

As you know, there is one source of extensive delay which is in great measure outside of the control of the Commission. I refer, of course, to the delays occasioned by judicial review. The only way in which the Commission can minimize this delay is by taking its positions as soundly as possible and to explain them in well-reasoned opinions. But others may help, too.

It is true, I know, that a good deal of the natural gas litigation has been initiated by third party interests who were not confident as to the Commission's ability to protect the public interest. I hope their confidence will grow and that the Commission's dedication to the protection of the paramount public interest will become so clear that it will not be necessary for third parties to intervene in the future to the extent that they have felt required to do so in the past. I hope also that the parties will feel inclined to abide by our decisions in a much larger proportion of the cases. Being realistic, I will say that I do not expect a decline in natural gas litigation of such magnitude as to decimate the bar.

This is perhaps an appropriate occasion to solicit the fullest possible cooperation from the industry in the Commission's administration of the Natural Gas Act. I have already had the pleasure of meeting a large number of the executives of the industry as they individually paid me the honor of a visit to my office to meet me and to wish me well. To many of them I had the opportunity of saying, as I have said also to men representing the consumers' interests, that I would welcome any suggestions which, from their experience with the work of the Commission, they might wish to offer as a basis

for improving and expediting the Commission's work in the natural gas field. I now extend the same invitation to all of you. I can assure you that every suggestion will be fairly considered on its merits.

My acquaintance with the physical base of the industry, limited as it has been, has created in me an enormous respect for the technology of the industry and for the gifted people of many occupations and professions who make the industry run. The thousands of wells, many of great depth, which have been drilled in every kind of terrain and in the ocean itself; the giant pipes which have been laid on high ground, in swamps, across river beds and in deep water; the gathering and compressing stations and stripping plants, some of them many miles out of sight of land; the complex of pipelines which now lay across the whole length and breadth of our country; these are all a tribute to the enormous technological development which has been required in order to bring gas to the homes in virtually every metropolitan center of our country. Because most of these facilities are either buried or are located at great distances from the places where the gas is used, most gas consumers are probably entirely unaware of the engineering genius and the managerial skill, let alone the huge investment, which lies behind the gas supply upon which their comfort and welfare depend. Little does the housewife in Chicago or New York visualize the activities and the investments which underlie the gas supply which comes to her from half a continent away.

As you can undoubtedly see, I am still far from a complete understanding of the natural gas industry. To me it is both fascinating and perplexing, full of puzzles and paradoxes. The greatest of these paradoxes seems to me to be that in this, the fifth largest industry in the Nation, accounting for about one-third of all of the energy consumed in the Nation and serving over 34 million consumers, there is no unified responsibility for supplying the requirements of the consumers. The distributing company, when it needs greater supplies, must depend upon the reserves of producers with which it does not even have direct contractual relations and who are joined with it only through the pipeline company intermediary.

My background in the electric utility field, where integrated operations are the rule, makes me wonder how a system with no unified responsibility could operate efficiently. It seems apparent that there must be more to this system of supply than meets the eye. Thus far, I have heard of no failure of supply to any existing consumers, and the households across the Nation are apparently comfortably confident that the gas they need will be there when they call for it. Upon this consumer confidence that the gas will always be there when the household furnace, the kitchen range and the water heater are turned on, even—or especially—in the coldest weather of northern winters, the whole success of the industry depends. If this confidence should once be impaired, the damage to the industry would be irreparable. All elements of the industry must work together to instill and maintain a justified sense of complete assurance in the adequacy and continuity of natural gas supply, and at a price which will preserve its status as a fuel which is not only convenient and dependable, but inexpensive as well.

The Federal Power Commission has played a significant role in the development of the natural gas industry. It has been the forum through which natural gas supplies have been channeled from points of production to points of use. It has provided the consuming public with assurance that adequate gas supplies were available for the new lines which were certificated and it has provided investors with assurance that the new investments were desirable, feasible, and eco-

nomically sound. It has provided vital support for the industry's growth from an infant to a giant. The Commission's activities under the Natural Gas Act have not only benefited the industry, but despite the delay in producer rate regulation have also afforded a large measure of protection to the consumer. The Commission has an equally important role to play in the industry's future. I believe that the contribution of the Commission in the years to come will be as notable and constructive as the contribution it has made in the past.

I am frank to say that when a position on the Federal Power Commission was first broached to me, I had my doubts that this was the field of activity or the agency to which I should want to dedicate the next few years of my life. I wondered whether in this area of activity, so traditional in its objectives and so hedged with procedural restraints, there was an opportunity to exercise such qualities of imagination and initiative as I might possess. The last few months have removed my doubts. The work of the Commission is as full of important, live and pressing problems as one could hope to find anywhere. These are problems which cry for energetic and imaginative treatment. My question is now the reverse, whether it is possible for me to measure up to the challenge and to play my part in the Commission's work of bringing greater order and progress to this vital industry, and greater stability and protection to the consuming public. I can only assure you that I shall never be satisfied until the Commission has developed rules which are fair to all of the elements of the industry as well as to the consumers and which constitute a foundation upon which the men of enterprise who characterize the industry can continue to build.

[From the Washington Post, Sept. 21, 1961]

#### POPULARITY AND PRICING

"The unfortunate men who have responsibility for regulating prices are not likely to be popular," Joseph C. Swidler, the new chairman of the Federal Power Commission, told a convention of gas producers in Houston. He then proceeded to endorse a policy of regulation that quite upset some of the consumers' spokesmen who considered him their firm ally.

The Commission has been regulating the gas producers as they do any utility. It calculates an allowed price on a company's cost of operation plus an assured profit. The complexities are endless for, unlike most utilities, the gas production industry is highly competitive and, in its exploratory phases, speculative.

Mr. Swidler thinks the Commission can do better. He is in favor of a general price for all the producers in a production area. Instead of calculating a fair price for each of more than 3,000 gas producers, the Commission would set prices for 24 areas. A company would then be free to extract any profit it could, so long as it stayed within that price.

The consumers' groups seem to fear that area prices would be set high to take care of the least efficient producers and that repeated exceptions will turn those prices into a floor for the industry rather than the ceiling Mr. Swidler envisions.

But the area price policy holds out, above all, a great hope that at last the Commission has found a device for reducing its scandalous backlog of pending gas cases, which now amounts to 4,000 rate applications and 2,800 requests to sell. The present delays can be expensive to the consumer, as well as harmful to the industry. There is nothing intrinsic to the area pricing system that suggests it would fatten the seller and skin the buyer. The present procedure is not safer, it is merely slower. The consumer's chief protections, in either case,



are the vigilance and the vigor of the Commission's members. Mr. Swidler has given no one grounds for mistrust in that respect.

# HORACE M. ALBRIGHT, GREAT CONSERVATIONIST, FOR PRESERVATION OF PADRE ISLAND AND OTHER SEASHORE AREAS

Mr. YARBOROUGH. Mr. President, pointing up the urgent need for immediate action on the part of the Congress to enact conservation legislation, I wish to call attention to an article that appeared in the New York Times, September 11, 1961, on the subject.

Mr. Horace M. Albright, former Director of the National Park Service and known as one of the Nation's greatest conservationists, has emphasized the need for preservation of Padre Island as a national recreation seashore area.

Mr. Albright cites the dangers of delay in matters of conservation, reminding us that the need for saving recreation areas for the public is constantly increasing, while the available lands are constantly decreasing in size and increasing in price.

The accuracy of Mr. Albright's summation is unquestionable, and the authority with which he speaks, gives us one of the best available voices in the country for conservation. He has devoted much of his life to a battle for action to preserve for the public some of the natural wonders of our country.

I ask unanimous consent of the Senate to have printed in the RECORD a letter, which appeared in the New York Times, Monday, September 11, 1961.

There being no objection, the letter to the editor was ordered to be printed in the RECORD, as follows:

TO PRESERVE SEASHORE—WARNING SOUNDED THAT STEPS MUST BE TAKEN TO SAVE AREAS

TO THE EDITOR OF THE NEW YORK TIMES:

I noted with a great deal of pleasure your splendid coverage of the enactment of the Cape Cod national seashore legislation and your editorial on it of August 8. This was a continuation of coverage and editorial position in support of this important conservation legislation, which, I am convinced, did much to enlighten the public on its importance and the need for it.

I am particularly glad the Times pointed out that while the Nation should congratulate itself on the timely preservation of Cape Cod as an outstanding park resource, this is not a time to rest on our laurels in seashore conservation.

You have rightly noted that only a small fraction of our sea and lake shores are still available for public use. We shall never have any more, and we shall certainly have far less if developments continue to gobble up natural shorelines which a generation ago we all took for granted as being pleasantly available to us whenever we wanted to enjoy them.

President Kennedy called the Cape Cod national seashore legislation the No. 1 priority among conservation measures to save a measure of our vanishing shores. He was right. There is no seashore more famous than Cape Cod, or closer to large population centers and formerly more in danger of loss to commercialism.

## OTHER SECTIONS

But there are other seashores equally as fine, equally in danger and important to every American no matter where he lives. I am thinking in particular of magnificent

Point Reyes, an unspoiled peninsula only 35 miles from San Francisco. Developments are beginning to ravage it under the very eyes of Congress, as legislators consider whether or not this Nation can afford the price of bequeathing future Americans a priceless heritage.

A similar area, Oregon Dunes, lies farther north, while on the coast of Texas our longest island beach—magnificent Padre Island—is slowly being nibbled away despite congressional interest and National and State plans for its preservation.

I know only too well the dangers of procrastination and the results of delay before World War I, when I was assisting Stephen T. Mather, the first Director of the National Park Service, and I clearly remember his recommendation to preserve the Indiana Dunes for posterity. Nearly half a century has passed since then, and conservationists are still struggling to save the small remnant of this once great national park resource that remains in its natural condition.

Now the National Park Service has pointed out other outstanding areas on the Great Lakes—Pictured Rocks, Sleeping Bear Dunes, and others. Each year finds them more difficult to save, yet more desperately needed for future generations.

Our pioneer American instincts turn our thoughts to building; we have always taken land for granted. But now we must give thought to preserving some of the land, which can only decrease.

## URGENT NEEDS

I hope the New York Times will continue its fine work of bringing the urgent needs of conservation daily to the American public. It is too easy to be beguiled by dazzling projects and dollar values until our birthright of the natural world slips away from us forever. These national seashore projects will be expensive, but they will be even more expensive tomorrow and soon they will be priceless. I trust their value will rest on the benefit they bring us and ours, and not upon their rarity.

I hope that our grandchildren will not seek in vain when they seek refreshment from civilization's complexities along the seashores of America.

HORACE M. ALBRIGHT.

## AMENDMENT OF TITLE V OF AGRICULTURAL ACT OF 1949—CONFERENCE REPORT

Mr. JORDAN. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes. I ask unanimous consent for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report.

(For conference report, see House proceedings of Sept. 15, 1961, p. 18577, CONGRESSIONAL RECORD.)

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. JORDAN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JORDAN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCARTHY. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCARTHY. What is the nature of the business before the Senate at this time?

The PRESIDING OFFICER. The question is on agreeing to the conference report on the Mexican farm labor bill.

Mr. McCARTHY. The Senate has now reached the point of the question whether to adopt or reject the conference report.

The PRESIDING OFFICER. The question is on the adoption of the conference report.

Mr. McCARTHY. Would it be in order, at an appropriate time, to make a motion to table the conference report, before any vote is taken to accept or to reject the conference report?

The PRESIDING OFFICER. A motion to table would be in order.

Mr. McCARTHY. At any time, if a Senator can obtain recognition?

The PRESIDING OFFICER. At any time prior to a vote on agreeing to the conference report.

Mr. McCARTHY. I thank the Chair.

Mr. JORDAN. Mr. President, the conference report on H.R. 2010, the Mexican farm labor bill, contains all of the provisions of the Senate amendment, exactly as passed by the Senate, except two. The two exceptions are the Senate restriction on the employment of Mexican workers for the operation or maintenance of power-driven machinery, which has been changed slightly, and the Senate requirement that the Mexican workers be paid not less than 90 percent of the lower of the State or National farm wage average. With respect to the Senate restriction on the employment of Mexican workers for the operation or maintenance of power-driven machinery, the House conferees suggested a clarifying amendment which we believe will help to carry out the intention of the Senate in this matter. The conference substitute limits such restriction to power-driven self-propelled harvesting, planting, or cultivating machinery. With respect to the minimum-wage provision, the House conferees were adamant and the conference substitute contains no minimum wage provision.

Both the House bill and the Senate amendment provided for extension of the Mexican farm labor program for 2 years. There was no dispute about this provision. It was the same in both the House and Senate versions and is contained in the conference substitute.

That was the only provision contained in the House bill. The Senate amendment added a number of provisions, most of which were designed to increase the protection afforded by the act to domestic workers. Most of these provisions are contained in the conference substitute.



The first provision of the Senate amendment was a technical one only. Under a permanent provision carried in appropriation acts, the employer is required to pay all of the expenses of the program, except salaries and expenses of personnel engaged in compliance activities. The first section of the Senate bill amended the basic law to include this provision. The House receded from its disagreement to this provision and it was included in the conference substitute.

The Senate amendment prohibited Mexican workers from being made available under the act in any area unless reasonable efforts had been made to attract domestic workers at comparable working conditions, as well as comparable wages and standard hours of work. The House receded from its disagreement to this provision, and this provision is contained in the conference substitute.

The Senate amendment prohibited workers recruited under the act from being made available for employment in other than temporary or seasonal occupations, except in certain cases to avoid undue hardship. The House receded from its disagreement to this provision and it is contained in the conference substitute.

The Senate amendment prohibited workers from being made available under the act for employment to operate or maintain power-driven machinery except in certain cases to avoid undue hardship. The House conferees raised some question as to whether this could be construed to prohibit workers recruited under the act from being asked to switch on an irrigation pump or from moving irrigation pipe. The Senate provision was, of course, not intended to prohibit use of Mexican workers for these purposes. The intention of the Senate provision was to prevent these workers from being used for the operation or maintenance of tractors or other power-driven, self-propelled harvesting, planting, or cultivating machinery, the operation or maintenance of which requires some skill or training. The conference substitute, therefore, prohibits employment to operate or maintain "power-driven, self-propelled harvesting, planting, or cultivating" machinery.

That provision was inserted over the objection of some people in the Northwestern areas of the country.

The Senate amendment exempted workers recruited under the act from any Federal or State tax levied to provide illness or disability benefits for them. This was to prevent double insurance for these purposes. The House receded from its disagreement to this provision and this provision is contained in the conference substitute.

The Senate amendment amended the definition of agricultural employment as used in the act so as to prohibit the furnishing of Mexican workers for a number of processing activities. The House receded from its disagreement to this provision and this provision is contained in the conference substitute.

The only provision which the House refused to accept, either in substance or in the identical language of the Senate

amendment, was the Senate provision prohibiting Mexican workers from being furnished under the act for employment at wages lower than 90 percent of the National or State average from wage. The House conferees were adamant with respect to this provision and no suitable substitute could be worked out which the House conferees would agree to. The conference substitute, therefore, contains no provision on this subject.

I ask unanimous consent to insert in the RECORD at this point a short explanation of the provisions of the conference substitute.

There being no objection, the explanation was ordered to be printed in the RECORD, as follows:

SHORT EXPLANATION OF CONFERENCE SUBSTITUTE FOR THE SENATE AMENDMENT TO H.R. 2010

The conference substitute—

(1) incorporates in the basic act an existing appropriation act requirement that employers reimburse the United States, up to a \$15 maximum, for all expenses of the program, except salaries and expenses of personnel engaged in compliance activities;

(2) prohibits Mexican workers from being made available unless reasonable efforts have been made to attract domestic workers at "working conditions" comparable to those offered to Mexican workers;

(3) prohibits the employment of Mexicans in other than temporary or seasonal occupations or to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except in specific cases to avoid undue hardship;

(4) exempts Mexicans from State or Federal taxes to provide illness or disability benefits for them;

(5) prohibits the furnishing of Mexican workers for some processing activities; and

(6) extends the Mexican farm labor program 2 years.

Mr. JORDAN. I have completed an explanation of the changes in the Senate and the House bills, to which the conferees agreed unanimously.

Mr. McCARTHY obtained the floor.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Texas.

Mr. TOWER. I intend to vote against the conference report. My reason is not that I am not in sympathy with the bracero program. I am. I think we should have it. But I think the conference report, if agreed to, would have the effect of rendering the program ineffective, at least so far as the cotton farmers are concerned. Too many inhibitions and restrictions are contained in the conference report. Therefore I shall vote against it. The farmers in my State would prefer to go back to operating under Public Law 414, section 212 and section 214, which provide for the employment of migrant workers under certain circumstances.

Therefore, I will vote against the conference report. Since it would for all practical purposes kill the bracero program in my State. Opinion is divided. The fruit and vegetable farmers would like to continue the program even under the conference report, but the cotton farmers would prefer that it be not continued; and they make up the largest part of the farm economy of my State.

Therefore I will not support the conference report.

Mr. McCARTHY. Mr. President, I appreciate the remarks of the Senator from Texas. What he has said indicates that the conference report is unacceptable to those who have been for the bill, or at least a number of them. I dare say it is unacceptable to those who have been against a continuation of the program. He has indicated that the conference report is unsatisfactory to both sides.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. YOUNG of North Dakota. I have supported a program of this kind for years, because I have believed that there was a need for stoop labor of the kind provided for in this legislation. But apparently now the Mexicans are used for other jobs that Americans can and want to do. It is apparent that these Mexicans are being used to drive all power machinery.

I read a telegram which I received from a person in Texas, today:

This conference report on Mexican labor is causing me grave concern. We have to use these braceros to drive your equipment. Domestic are not in here in any quantity and you know we cannot pay wages equivalent to industry to induce them to come in. I would appreciate your support in killing this bill when it comes up today.

That is an admission that Mexican labor is being used to take jobs that Americans can do. We in our part of the country must pay high wage scales for farm labor. I do not see any reason why agricultural labor in other areas of the United States cannot be paid the same wage that we pay similar labor. In view of that situation, I would be willing to vote to kill the program. It can be justified on a basis of provided stoop labor, a kind of work not many Americans will do but there is no justification for importing cheap labor to jobs our own people are willing to do.

Mr. McCARTHY. I thank the Senator from North Dakota. The conferees on the part of the Senate retreated from what I thought was a relatively mild position with regard to the employment of Mexican nationals. In the use of equipment and the operation of machinery they prohibited the use of braceros only on self-propelled power-driven machinery. But even that very limited provision in the law is one to which some object at this time. I think the position of the Senator is exactly right. The program has been established and extended on a temporary basis. It was presented as one which was needed to provide stoop labor, which could not be obtained in the United States. But that is not the way it has been used in many instances.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. KEATING. As the Senator from Minnesota knows, I voted against the bill when it passed the Senate. I am opposed to the conference report. I



shall vote for and support the Senator's motion to table. If that fails, I shall have some remarks at greater length on the measure.

I do not entirely share the views of the Senator from Texas. His reasons for opposition are somewhat different from my own. But I share his opposition.

#### ARAB BOYCOTT THREAT TO U.S. FIRM

Mr. KEATING. Mr. President, the issue which I wish to call to the attention of the Senate today is not a new one and has frequently been discussed in this Chamber and the committee rooms and has been discussed and analyzed in newspapers throughout the country. It is an issue which I would infinitely rather not have to raise at this point on the Senate floor because it is an issue that should have been settled promptly and efficiently by firm and effective action by the executive branch of the Government. I am forced to take up this issue today because the executive branch has failed—clearly and knowingly failed—to perform its obligations.

Mr. President, the issue is this. A New York firm—the name of which I am withholding in order to prevent reprisals—has received two letters from Arab countries or organizations threatening a boycott of the firm because of business which this firm has conducted in Israel. The first of these letters was received more than a year ago from the boycott office in Kuwait. At that time there was considerable discussion of these and similar letters received by other firms in the public press. As a result our State Department was finally mobilized to protest these letters, and the nuisance and threat of this particular form of approach was discouraged.

But now, Mr. President, this year in the month of July, the same firm has received another letter.

This one is from central office for the boycott of Israel which is attached to the Secretariat General of the League of Arab States and is located in Damascus, Syria. The letter informs this firm that "we have acquired reliable information to the effect that you have close relations with Israel and that you import goods from that market and propagate them locally in the United States of America."

This action, the letter continues, is in violation of the Arab boycott of Israel, and if continued, this firm is threatened with blackmail and ban from all Arab countries by October 31, 1961. The only way for the firm to avoid such blacklisting is by answering eight detailed questions covering their affiliations, operations, ownership of interests, and in giving of contracts to persons or enterprises in Israel. The answers to these questions must be returned "in the form of a declaration duly signed before the competent governmental authorities and should also bear a final authentication to the signature of the authorized representative of your firm appended thereto by the closest consulate or diplomatic mission of any Arab country."

Mr. President, I am shocked and appalled that any American firm should receive such a letter and should be required to go to a foreign embassy or consulate to answer such queries. Naturally, I brought this matter immediately to the attention of the Department of State expecting that a vigorous protest and objection would follow the query.

Imagine then my consternation and dismay at the words of the State Department in the September 11 reply to me. This letter, the State Department indicates, comes from an office especially constituted by the Arab Government for coordination of Arab boycott procedures. This office has not international standing except among the governments which sponsor it. As you know, the U.S. Government does not in any way recognize the Arab boycott and the Department considers that it would be a step in derogation of our policy were we to register official protests or otherwise intercede with this office.

Furthermore, Mr. President, in a very similar letter which was sent by the Department of State directly to the firm, the Department is even more emphatic in refusing to accept its responsibility. In that letter, a copy of which was furnished to me, the Department states:

Consistent with our policy of nonrecognition of the boycott, the Department has refrained from advising U.S. firms on how to respond to a communication suggesting possible imposition of restrictions.

The position which the State Department has taken on this issue is absolutely incomprehensible. Because the United States does not recognize the existence of the boycott, does that mean our Government cannot make representations in behalf of legitimate American interests, or even offer advice to an American firm on how to respond? I thought it was the responsibility of the State Department to protect the interests of American business abroad, not to ignore them.

Furthermore, such an ostrich-like policy is at variance with our policies throughout the world. We do not recognize the regime of Red China. Does that mean we turn our backs and let the Red Chinese do what they want to without defending our own interests in Asia and elsewhere? Absolutely not. In fact, we have even fought a war against them in Korea. We do not recognize the right of East Germany to control allied access to West Berlin. Does that mean we would therefore not object if they closed that access and that we would "consider it a step in derogation of our policy," as the State Department puts it, to "register official protests?"

That is obviously absurd. What this means in plain English is that the State Department is taking the position that all any nation or nations need to do is set up an organization of which we do not approve and then we will not recognize it or pay any attention to it, no matter how much it might injure legitimate American interests or hurt American citizens.

I think there is a real misunderstanding here. The United States does not recognize certain countries like Red

China, because we do not think such recognition would be in the American interest and because we do not approve of the actions of Red China. But that most emphatically does not mean that we would therefore ignore any actions Red China might take to injure the United States.

Whether our Government recognizes a regime or a boycott or not, it has—up to this point at least—recognized its obligation to defend American interests. I am shocked by the State Department's refusal to fulfill its duties in this regard, and I intend to pursue the matter a good deal further with the Department of State until a more satisfactory result is achieved.

I ask unanimous consent to include in the RECORD at this point excerpts from a letter to the New York firm from the control office for the boycott of Israel, from my query to the Department of State, and from the Department's reply.

There being no objection, the excerpts were ordered to be printed in the RECORD, as follows:

LEAGUE OF ARAB STATES, SECRETARIAT GENERAL, CONTROL OFFICE  
FOR THE BOYCOTT OF ISRAEL,  
Damascus, Syria, July 1961.

GENTLEMEN: We wish to inform you that we have acquired reliable information to the effect that you have close relations with Israel and that you import goods from that market and propagate them locally in the U.S.A.

In this regard, we draw your attention to the fact that the Arab countries are still in a state of war with Israel. Therefore, as a measure of self-defense and with the vital to safeguarding the rights and the vital interests of the Arabs of Palestine, the Arab countries strictly adhere to a set of boycott regulations directed at Israel. In brief, these regulations prohibit any Arab from having any dealings whatsoever with any Israeli person or business, or with foreign persons or firms maintaining such dealings with Israel. Violation of these regulations entails the blacklisting of violators in all Arab countries, with the result that all commercial transactions with such violators are banned.

However, before any action is taken against your firm, we deem it necessary that we contact you directly in order to ascertain [sic] the nature of the dealings of your firm with Israel. This will have to be done in the form of a declaration duly signed before the competent governmental authorities and should also bear a final authentication to the signature of the authorized representative of your firm appended thereto by the closest consulate or diplomatic mission of any Arab country. The required declaration will have to contain complete answers to the following questions:

1. Do you now, or did you ever have branch factories in Israel? In case you did in the past, or do now, please define the relationship of such branch with your company.
2. Do you now, or did you ever have assembly plants in Israel?
3. Do you now, or did you ever have in Israel general agencies or head offices for your Middle Eastern operations?
4. Have you ever granted the right of using your patents, trademarks, copyrights, etc., to Israeli persons or firms?
5. Have you ever owned shares or any other interest in Israeli firms or businesses?
6. Have you ever rendered any consultative services or technical assistance to an Israeli firm or business?



the floor in my own right, and then to offer an amendment to the bill. I shall wait until that point is reached.

Mr. ANDERSON. Very well.

Mr. President, I ask unanimous consent that the Committee on Interior and Insular Affairs be discharged from the further consideration of House bill 84, to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes, and that the Senate proceed to the consideration of that bill.

The PRESIDING OFFICER. Is there objection?

Mr. DWORSHAK. Mr. President, reserving the right to object, let me say that being a member of the minority in the Senate, I realize that I have no influence with this administration—which fact does not bother me to the slightest extent—but I also realize that the Senator from New Mexico has almost unlimited influence with this administration; and on that basis I should like to ask him whether he will give us any assurance that early in the next session the Congress will make an all-out effort to see to it that the lead-zinc mining industry receives some recognition and support from the administration, in line with the desires of the Members of the Senate from the western mining States, so that we can stabilize the lead-zinc industry, which has been in great distress for many years?

Mr. ANDERSON. I wish to say to the able Senator from Idaho—with whom I have worked for many years in connection with the very program he is talking about—that I will do the very best I can, and I hope to enlist the support of other Senators, in trying to obtain what I regard as a reasonable solution of the lead-zinc problem.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Mexico? Without objection, it is so ordered; and the Senate will now proceed to the consideration of House bill 84, to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes.

Mr. BENNETT. Mr. President, I wish to offer an amendment. First, I wish to be sure that I am offering the amendment to the right bill. Is the Senate now considering House bill 84?

The PRESIDING OFFICER. That is correct.

Mr. BENNETT. Mr. President, I submit the amendment which I send to the desk, and ask to have stated.

#### ORDER FOR ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, will the Senator from Utah yield?

Mr. BENNETT. I am happy to yield.

Mr. MANSFIELD. Mr. President, I wish to have the attention of the Senator from North Carolina [Mr. JORDAN] and the Senator from Minnesota [Mr. McCARTHY].

Mr. McCARTHY. Mr. President, do I still have the floor?

The PRESIDING OFFICER. Yes. The Senator from Minnesota yielded to

the Senator from New Mexico [Mr. ANDERSON], to permit him to bring up the lead and zinc bill.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate concludes its business tonight, it adjourn to meet at 10:30 tomorrow morning.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

#### CONFERENCE REPORT ON MEXICAN AGRICULTURAL LABOR BILL

Mr. MANSFIELD. Mr. President, I wish to announce to the Senate that at 6:45 this evening the Senator from Minnesota will move that the conference report on the Mexican agricultural labor bill be laid on the table. I now ask that on the question of agreeing to that motion, the yeas and nays be ordered.

The PRESIDING OFFICER. Is there a sufficient second?

The yeas and nays were ordered.

Mr. MANSFIELD. I may say that does not require unanimous consent. I simply give this notice.

#### STABILIZATION OF MINING OF LEAD AND ZINC

The Senate resumed the consideration of the bill (H.R. 84) to stabilize the mining of lead and zinc by small domestic producers on public, Indian and other lands, and for other purposes.

The PRESIDING OFFICER. The Senator from Minnesota [Mr. McCARTHY], has yielded, to permit the consideration of the lead and zinc bill.

The amendment submitted by the Senator from Utah will be stated.

The LEGISLATIVE CLERK. In section 3 (a) at the end of the first sentence before the period, it is proposed to insert a colon and the following:

*Provided*, That such further limitation may be waived by the Secretary in order to avoid undue hardship in the case of any small domestic producer having no production or substantially no production during any calendar year between such dates.

Mr. BENNETT. Mr. President, this bill was written to take care of small producers who, in order to prove that they were small, had to demonstrate that they had limited production in the years between 1950 and 1960.

It happened that in my State—and I am sure the same may be true of other States—at that time some small producers were just about to get into the business of producing lead or zinc.

I have a letter from the Keystone Mining Co., of Salt Lake City, Utah, stating they have been given financial help from OME of approximately \$55,000 and have spent \$160,000 of their own money and were just about ready to get into production. Obviously, they have no history, so this subsidy would not be made available to them, even though their production was within the limit set forth by the bill.

The purpose of my amendment is simple. It is permissive. It would give the Secretary power to waive the production level limitation in order to

avoid undue hardship in the case of any small domestic producer having no production or substantially no production during any calendar year between those dates.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. ANDERSON. The Senator from Utah has been as staunch a friend and helper of the mining interests of the West as anyone I know. I think he understands the problems as well as anyone I know. But I think he also understands the legislative problem. If he insists on the amendment, we shall have to ask for a conference with the House. I think it would be impossible to get one. I think a small amount of help is better than no help at all.

The help provided in this bill would probably not help the miners in my State or the miners in the State of the Senator from Utah very much, but there are areas in the United States where the bill would be helpful. I hope the Senator from Utah, in an effort to help those who may get some help out of the bill, will present the amendment at some subsequent time. I cannot say his amendment is unjust or that it is not good, because it is, but I point out the problem and express the hope that he may see fit to withdraw his amendment because of the legislative situation.

Mr. BENNETT. The Senator from Utah recognizes the problems and the time of the day and the time of the week. I ask the Senator from New Mexico, as chairman of the Committee on Interior and Insular Affairs, if, in his opinion, there may be an opportunity next year to reopen the problem and consider some of the needs and problems of the miners of the type this amendment is intended to help.

Mr. ANDERSON. I tried to assure the Senator from Idaho that I hoped to do so. I assure the Senator from Utah that it is my intention, and I hope we may have his very fine cooperation in that regard.

Mr. BENNETT. Mr. President, I offer for the record, and ask unanimous consent to have printed in the RECORD, a letter from the Keystone Mining Co., of Salt Lake City, Utah, dated August 17, 1961, explaining the predicament of that company in the face of this bill, and another letter, dated August 29, 1961, from the United Park City Mines Co., of Salt Lake City, Utah.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

KEYSTONE MINING Co.,  
Salt Lake City, Utah, August 17, 1961.  
Senator WALLACE F. BENNETT,  
U.S. Senate, Washington, D.C.

DEAR SENATOR BENNETT: Under the law which created the Office of Federal Exploration, the Keystone Mining Co. and partnership of the United Park City Mines Co. made application to the OME and received therefrom \$55,855, and have spent an additional amount of approximately \$160,000, and have developed a body of low grade ore.

Being a small mine we are naturally very much interested in the proposed small mine bill, which has been favorably reported on by the House Interior Committee. However, I have been advised that an amend-



ment was made to the bill "limiting subsidies to the maximum average tonnage produced by miners in recent years."

Inasmuch as we have not mined for many years and have but recently gone into the area in the Park City district with exploratory work only, we, of course, have no record of production behind us, except many, many years ago when we had considerable production.

Now I take it, under the new law which is proposed, inasmuch as we have no prior production in recent years, that we would be deprived of the benefits of the bill. If this provision is allowed to stand, it would do exactly opposite to what the OME legislation endeavored to encourage; that is, the exploration of the new ore bodies.

Can I not therefore ask you to put before the committee when discussing the legislation, the plight of a mine such as ours, where having discovered an ore body we are now unable to mine it, as we have no earlier production (only such prior production that was produced during exploration work) upon which to base a quota.

Sincerely,

KEYSTONE MINING CO.,  
CLARENCE BAMBERGER, President.

UNITED PARK CITY MINES CO.,

Salt Lake City, Utah, August 29, 1961.

Re lead-zinc mining legislation S. 1747 and H.R. 84.

HON. WALLACE F. BENNETT,  
U.S. Senate, Washington, D.C.

DEAR SENATOR BENNETT: Most independent lead-zinc miners here in the West were surprised and disappointed to learn that the Senate Interior Committee has amended S. 1747 so that it now contains the watered down provisions of H.R. 84, as consideration for small mines subsidy.

Many of us have solicited governmental exploration aid through DMEA or OME and, with matching funds, have developed ore bodies. Since we have little or no production record, section 3(a) of H.R. 84 excludes us from participation in benefits that are designed so the small miner may get the return of his investment and repay the Government. We cannot do this at present metal prices.

Section 3(a) of H.R. 84 states: "Subject to further limitations that no producer may be paid in any such calendar year for an amount in excess of his maximum production during any calendar year between January 1, 1950, and December 31, 1960." Keystone mine and the Judge mine of the Park City district are examples of mines, which have developed ore bodies with governmental exploration aid and have little or no production record.

When the Senate considers H.R. 84 as a single bill after it moves through the Senate Interior Committee (it has been passed by the House of Representatives), or when S. 1747 is considered on the floor of the Senate, this same discriminatory requirement of a production record should be corrected. It would seem strangely unfair that one small mine would be denied assistance because it could not afford to mine its ore body at current low metal prices, while its neighbor, which could afford to establish a production record, was given the maximum benefit of aid.

S. 1747 contains a provision that the small mine subsidy be paid from import taxes on foreign metal. If for no other reason, all domestic producers should be able to participate equally in the subsidy provisions, if they qualify as a small producer.

The CONGRESSIONAL RECORD for August 24, 1961, volume 107, No. 147, contains undeniable evidence that the domestic lead-zinc mining industry should be lifted from its present predicament. We respectfully ask that you do everything you can to pass S. 1747 for a long-range solution to the lead-

zinc mining problem, but to correct the provisions that would deny much needed, immediate, aid to many of us who need aid badly.

Sincerely yours,  
UNITED PARK CITY MINES CO.,  
S. K. DROUBAY,  
Vice President and General Manager.

Mr. BENNETT. I recognize the problem the distinguished Senator from New Mexico poses, and will be glad to cooperate with him. I withdraw my amendment.

The PRESIDING OFFICER. The Senator from Utah withdraws his amendment.

The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 84) was ordered to a third reading, read the third time, and passed.

Mr. ANDERSON. Mr. President, I ask unanimous consent that Senate bill 1747 be indefinitely postponed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. KERR. Mr. President, I move that the vote by which H.R. 84 was passed be reconsidered.

Mr. ANDERSON. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. KERR. Mr. President, will the Senator yield 1 minute to me?

Mr. McCARTHY. I yield.

Mr. KERR. I express my sincere and deep gratitude, not only to the chairman of the Committee on Interior and Insular Affairs [Mr. ANDERSON], but to the Senator from Utah [Mr. BENNETT], the majority leader [Mr. MANSFIELD], the minority leader [Mr. DIRKSEN], and to every other Member of the Senate who has made it possible for this bill to be passed. As has been made clear, while it is far from being an adequate solution to the problems of the lead and zinc mining industry, it is beneficial to a high degree to many small producers; and the mining people and interests in Oklahoma are grateful to the Senator from New Mexico and the other Senators who made it possible for this bill to be passed.

Mr. MONRONEY. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Oklahoma.

Mr. MONRONEY. I also join my senior colleague in expressing appreciation for this very much needed emergency legislation which represents an effort to save the small business component of the lead and zinc mining industry. It will permit a recovery of the investment of human resources—the many thousands of man-hours of labor that have gone into gouging out the small mines which are worked by small businessmen with very few employees. It will permit the salvaging of large amounts of lead and zinc ores that otherwise would be lost. Unless these mines are pumped and kept water free, they cave in and we lose forever to posterity the advantage of those natural resources. The bill will not cure all of the ills of the zinc and lead mining

industry, but it will certainly help keep some of the industry in business. I am grateful to the Senator from New Mexico for his favorable consideration of the bill. It could not have been passed without his support.

Mr. ANDERSON. I thank both Senators from Oklahoma for their kind remarks.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed, without amendment, the following bills of the Senate:

S. 1440. An act to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses; and

S. 2295. An act to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park," approved April 30, 1890.

The message also announced that the House had agreed to the amendments of the Senate to each of the following bills of the House:

H.R. 2732. An act to amend section 303 of the Career Compensation Act of 1949 to provide that the Secretaries of the uniformed services shall prescribe a reasonable monetary allowance for transportation of house trailers or mobile dwellings upon permanent change of station of members of the uniformed services; and

H.R. 8765. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 6775) to amend the Shipping Act, 1916, as amended, to provide for the operation of steamship conferences.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 6845) to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard.

#### ENROLLED BILL SIGNED

The message further announced that the Speaker pro tempore had affixed his signature to the enrolled bill (H.R. 7500) to provide for a Peace Corps to help the peoples of interested countries and areas in meeting their needs for skilled manpower, and it was signed by the Vice President.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended.

Mr. McCARTHY. Mr. President, as the majority leader has announced, at



6:45 p.m. I will offer a motion to lay the conference report on the table. I shall do so because I hope to save the time of the Senate and prevent a prolonged debate of this particular issue.

I think consideration of this program should be put aside, at least until the beginning of the next session of Congress in January. This program should be improved at least to the degree in which it was approved by the Senate, after almost a full day's debate. Before we debated it in the Senate, action was taken on it by the subcommittee and the full Committee on Agriculture and Forestry. As a result very minor improvements in the program were recommended, one having to do with the employment of Mexican nationals in the operation of power driven machinery; and, second, having to do with their employment in nonseasonal work.

The position of the committee was that some limitation, some tightening up, was necessary regarding the employment of Mexican nationals in these two general areas.

On the basis of the record established, there had been abuses. The Secretary of Labor and those responsible for administering the program expressed the opinion that this tightening up would be helpful to them in efforts to keep Mexican nationals employed at the kind of work originally intended.

The committee also reported an additional provision, section 505, which was in the nature of an improvement of the basic program. The committee report provided that American farmworkers could not be employed in the same kind of work in which Mexican nationals were being employed, unless the Americans were paid as much as the Mexicans were being paid. That was an advance. I suppose that was the first time we had established a minimum wage in agriculture for American workers.

Under the existing law and the agreement with Mexico, American employers or growers who use Mexican national workers must pay at least 50 cents an hour to the Mexican nationals who are brought into this country under that law. However, the employers are not required to pay 50 cents an hour to American migrant or nonmigrant workers who are employed in the same kind of work.

We had testimony to the effect that in certain areas of the country Mexican nationals employed in this type of work were paid 50 cents an hour minimum under the agreement with Mexico but Americans employed in the same type of work were earning only 30 cents an hour. The committee evidently felt that Americans should be paid as much as was being paid to Mexicans.

This section removed by the adoption of the amendment which I offered during the debate in the Senate. My amendment proposed that Mexican nationals employed in this country be paid at least 90 percent of the average farm wage in the State or in the Nation whichever was lower.

The purpose of the proposal was to establish a new standard for determin-

ing wages paid to Mexicans brought into the United States as agricultural workers. Under existing law they must be paid the prevailing wage in the area for the same kind of work.

There is a standard existing today. My amendment would have improved that standard and would have gone a small way toward making the growers who sought to employ Mexican nationals at least bid against the average wage for farmworkers in the State or in the Nation, whichever average was lower.

My amendment was not accepted in the conference. Section 505, which the amendment had replaced, was not accepted, of course, because it was no longer in the bill.

Beyond that, the conference backed up even in respect to two very limited provisions which were left. One, in regard to limiting employment to seasonal work, was retained; but the other, having to do with the employment of Mexican nationals for the operation of machinery, was modified to such an extent that in my judgment it will be practically ineffective.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from North Carolina.

Mr. JORDAN. The point the Senator has brought out about the workers being employed in the operation of machinery is the thing some object to now. I point out to the Senator that if the conference report is agreed to the language of the law with respect to offering domestic workers comparable wages will remain. That language provides that no Mexican workers may be employed in any area unless comparable wages are offered to domestic workers.

Mr. McCARTHY. Has section 505 been restored?

Mr. JORDAN. This language is in the existing law.

Mr. McCARTHY. Section 505 is not in the existing law.

Mr. JORDAN. I shall read the language for the Senator.

No worker recruited under this program shall be available for employment in any area unless the Secretary of Labor has determined and certified that—

(1) sufficient domestic workers who are able, willing, and qualified are not available at the time and place needed to perform the work for which such workers are to be employed, (2) the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed, and (3) reasonable efforts have been made to attract domestic workers for such employment at wages and standard hours of work comparable to those offered to foreign workers.

Mr. McCARTHY. I understand. That is language in the existing law.

Mr. JORDAN. That language would remain in the law.

Mr. McCARTHY. There was some new language in section 505, somewhat more specific, which was not retained in the conference.

Mr. JORDAN. The Senator is correct. However, this language remains in the law.

Mr. McCARTHY. My reference was as to what was in section 505 as reported by the Senate committee. The language was removed during the course of debate and agreeing to amendments in the Senate.

Mr. JORDAN. The law does protect domestic workers to this extent, and this authority is still in the hands of the Secretary.

Mr. McCARTHY. The Secretary has an obligation to determine the prevailing wage, to require payment of the prevailing wage for employment in similar work, and to require employers of Mexicans to pay at least the prevailing wage.

Mr. JORDAN. That is correct. That provision is still in the law.

Mr. McCARTHY. The Senator is correct.

This program should have been improved for three or four very obvious reasons. The evidence conclusively shows that in the areas in which Mexican nationals has been employed in the greatest numbers the effect has been to depress the wages which are paid to American farmworkers.

Over the years there has been a general rise in wages paid to farmworkers. In the areas in which large numbers of Mexican nationals have been employed under contract, wages have not risen as fast as the national average, or as fast as the average in other types of employment. In some areas, overall wages averages have tended to decrease. This is the kind of evidence which it seems to me is beyond refutation. When tens of thousands of such workers are employed in an area, the effect obviously is to depress wages for American farmworkers, both migrants and residents of the area.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from North Carolina.

Mr. JORDAN. The reports from the Department of Agriculture and the Department of Labor show that the State which uses the most Mexican migrant laborers has wages which average the highest in the United States. California ranks first in the amount of labor used under this program, and the wage scale on the average is \$1.24 an hour, I believe. That is the figure reported by those Departments.

In almost every case in which a State employs a large amount of Mexican labor the wage scale is high. I admit that Texas is low. The wage scale there is 77 cents an hour.

Mr. McCARTHY. Texas employs the second largest number of Mexican nationals.

Mr. JORDAN. The Senator is correct. The wage scale averages 77 cents an hour.

Mr. McCARTHY. This has some relationship to how close to the border one is. Numbers are not the only standard to be used.

With the exception of California, in regard to other States which employ large numbers of Mexican nationals, the report submitted by the Department of



Labor indicates that there is a depressing effect on wages and that such employment interferes with the rise in wages characteristic of other areas of the country.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Illinois.

Mr. DOUGLAS. Is it not true that in 1952, before Public Law 78 was enacted, the average wage for migratory farm labor, both male and female, was \$6.90 a day, but that in 1959 the average had fallen to \$6 a day, a decrease of about 14 percent? This is virtually the only group of laborers in the country whose wages have diminished during the period involved. In other words, the result of hiring Mexican farm laborers under Public Law 78 has been a decrease in the wages for migratory labor, though the wages for every other type of labor went up during the 7-year period.

In the case of males the decrease was even more striking, from \$7.35 to \$6.10 per day.

Mr. McCARTHY. The Senator is quite correct. I believe those statistics are taken from the report of the U.S. Department of Agriculture, dealing with the hired farm working force for the United States for the year 1959.

Mr. DOUGLAS. The Senator is correct. The figures I quoted are from page 42.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from New York.

Mr. JAVITS. I have not yet had an opportunity to be heard in this debate. I shall not, of course, take any of the time of the Senator, except to state that I shall support the Senator on the vote.

I believe improvement is needed in the whole atmosphere of American labor, especially of agricultural labor. I have the honor to serve on the subcommittee which deals with migratory labor, along with the distinguished Senator from New Jersey [Mr. WILLIAMS]. The whole climate needs to be changed in terms of many areas, including the elementary area of union recognition.

I believe the general thrust of the Senator's activities is to endeavor to put agricultural labor, at long last, in some frame of reference with labor generally in the country. I shall support his motion.

Mr. McCARTHY. The Senator from New York is correct. That is my hope.

Unfortunately, in order to do something for American farmworkers it is necessary to use the indirect approach and to attempt to improve conditions for Mexican nationals who work in this country, in the hope that competition may force American employers to seek out American workers and give them working conditions, or at least wages, roughly comparable to those accorded to the Mexican nationals brought to the United States.

Mr. JAVITS. The Senator is rendering an outstanding service in his activity. We need specialists in the Senate who study problems carefully. I am grateful that the Senator has made this his cause. I am glad to support him.

Mr. McCARTHY. I thank the Senator from New York for his support.

A second reason why we ought to be concerned about this program is the continuous complaint and protest on the part of the Mexican Government. It may be charged that this is somewhat self-serving, and that the Mexican Government could cut off the flow of Mexican nationals, if it wished to do so, but it is a fact that the Mexican Government does complain and does protest.

A number of us visited Guadalajara in a congressional delegation last February. This was one of the points which was stressed almost continuously. It is a point of issue. We may charge that it is the fault of the Mexican Government as much as ours, but I do not know that we can resolve that kind of disagreement or that kind of charge and counter-charge.

It is a fact that this program is disturbing to the Mexicans. I suggest that we should give some attention to the remarks made by the Senator from Texas [Mr. TOWER], who said that some of the growers in his State did not wish to have even the moderate change and improvement which the conference reported to the Senate today.

They say that they would rather work under the immigration law, Public Law 414, which permits the importation of nonquota immigrants for employment in work for which American workers are not available. This is a practice which is followed in some areas of the country as between growers of this country and, for example, the government of the Bahama Islands and of Jamaica. In such a case we would have an agreement between an American employer, the particular national's own government, and the national himself.

It would be supervised by the Attorney General of the United States. In such a case, if anyone were responsible for bad working conditions, it would not be our Government primarily, but the government of the country of the national who is brought in under contract. I suggest that that is a much better way to handle the program than to make our Government responsible, in a sense, for recruiting and providing workers for growers in the United States.

This alternative approach exists in the law and is available. It can be more effectively supervised and it does not have the unfortunate accompanying consequence of dislocating American workers over broad areas of the United States; it is one which can be used where there is a real necessity to replace the workers who might not come in if the Mexican farm labor program were not continued. The Secretary of Labor, in answer to a letter which I sent to him requesting a statement from him as to what would happen if the program were not continued this September, sent me a letter, parts of which I should like to read. He said that he had given considerable thought to my inquiry as to the harm that might be caused to the agriculture of a community or individual growers if Congress failed to enact an extension of the Mexican labor program. He said:

As you know, the present program expires on December 31. If the law is not extended before adjournment this year, the process of repatriation of the brazeros then employed would have to begin immediately after December 31.

They would have to return. Such a thing would not be so serious because if they are here for seasonal work, they should not be here after December 31, when the seasonal work has been completed and the ordinary seasonal processes of raising fruits, vegetables and cotton have not yet begun. So in terms of the basic intent of the law to provide seasonal workers, such repatriation would be really consistent with the law as it has been drafted and as it should have been followed.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. JORDAN. Under the present law the Secretary of Labor has the power to do what the Senator has suggested when the Secretary of Labor finds that domestic workers are available or when the workers are no longer seasonal workers. He can send the Mexican workers back at any time he wishes to do so.

Mr. McCARTHY. The Senator is correct. The only point is that through the years it has been assumed that the law would continue, and the Department has not gone forward in the process of repatriating the Mexican workers, and it has been required to bring them back.

Mr. JORDAN. The Secretary of Labor has stated in the letter to which the Senator has referred that all the workers will be required to go home because the law will expire.

Mr. McCARTHY. The Senator is correct.

Mr. JORDAN. I have received a number of communications from employers, particularly in California and other States, who use a great deal of this type of labor. I am told that in order to finance their crop for the next season, farmers must obtain loans from bankers, who require that they have sufficient labor before they will loan the money. That is the common practice.

Moreover, my State of North Carolina does not use any migratory or Mexican labor whatsoever. The problem is not a subject of concern to my State. But from the evidence I have been able to gather, a failure to extend the law would certainly hurt many States, and would jeopardize the fruit, vegetable, and produce market of the United States, because the largest part of such products is now raised on the west coast.

Mr. McCARTHY. I should like to state two points in answer to the Senator from North Carolina. As the Senator from Texas has indicated, the farmers can work out the problem by other means to meet specific problems in their areas.

The second point is that I am not talking about a termination of the program. If that were the question, I would propose a gradual phasing out of the program. What we are talking about now is the question of whether or not there would be any great hardship if we should



postpone action on this measure until January of next year in the hope that, in view of the action taken by the Senate and the House, the bill should then go to conference, and the conferees might be moved to do something more about the program.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from California.

Mr. KUCHEL. I thank my friend. I wish to make only a very brief comment. I hope that the motion to table is rejected. The Mexican farm labor program has been a source of supplemental labor for over a decade. Rather strangely, tonight in the Senate there are some who will oppose the conference report because they believe that it will give too much assistance to American farmers, while there are others who will oppose the report because they believe it provides too little.

I wish to say most respectfully to my friend from Minnesota that I objected, as he knows, to the philosophy back of the amendment which he proposed. At the same time I said that I was prepared to vote for a national agricultural minimum wage for domestic farm labor at any time that Congress has the courage to stand up and do so.

But I beg and pray of the Senate not to reject a bill which provides the American farmer with a source of supplemental labor when the Secretary of Agriculture and the Government of the United States finds it is not available domestically and after the Secretary of Labor certifies that such foreign labor will not adversely affect employment opportunities for domestic workers.

I thank my able friend.

Mr. McCARTHY. The amendment which was adopted by the Senate would not in any way have greatly affected the growers in the State of California. The wages which are being paid to migrant laborers generally in California, including Mexican nationals, are high enough for the most part so that they would not have been affected by the amendment.

Mr. KUCHEL. The Senator is correct. It is true that the people in my State pay the highest wages in the Nation for both domestic and foreign farm labor.

I merely say, however, that in my judgment, as I endeavored to note in the RECORD on September 11, the proposed legislation ought not to be a vehicle by which Congress would transfer a responsibility to the Department of Labor to set minimum wages in this field when we, quite correctly, refused to do so a few months ago in setting new minimum wages for those in the industrial and service sector of the economy.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield.

Mr. AIKEN. If the report is tabled, there will be regrets all around. I realize that large employers of Mexican labor do not like the bill. I realize that labor does not like the report. One side does not like it because it did not receive everything it wanted. The other side does not like the report because it would receive more than it wanted. It seems to

me there is a possibility that if the report is tabled, both sides may wind up getting nothing that they wanted. So I think I shall have to vote against the McCarthy motion. Are there other sponsors?

Mr. McCARTHY. I do not know how many cosponsors I shall have.

Mr. AIKEN. I think the bill would give American labor far more than it ever had before in any Mexican farm labor program. I know that it did not get 100 percent of what it asked for. But I am sure that some of the employers do not like it because labor would get so much of what it asked for. Therefore I think I shall vote against the motion.

Mr. McCARTHY. I am distressed to learn that the Senator from Vermont will vote against the motion to table, especially on the basis of the argument that he has made.

He reminds me of an opponent I had at one time who charged that I had a 100-percent perfect record on the Democratic scorecard.

He said, "The Democrats are right half the time; the Republicans are right half the time."

Therefore, he thought I ought to have about a 50-percent record on the Democratic side. I admitted that what he said might be correct, but with a 100-percent Democratic record, he could be sure I was right half the time, whereas if I had a 50-percent record, I might have been wrong at all times.

Mr. AIKEN. The Senator from Minnesota will recall that I voted for his amendment, which would have given Mexican labor more than the amount contained in the conference report. The mere fact that we did not get 100 percent of what we asked for is no reason for our rejecting 80 percent, or whatever it is, that American labor would get in the bill and under the conference report.

Mr. McCARTHY. We asked so very little in the first place, that even if we had received 100 percent of what we had asked for, we would still have gotten only about 10 percent of what was needed. If we reduce that 10 percent by 25 percent, it does not leave us a very great achievement.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Florida.

Mr. HOLLAND. I hope the Senator from Minnesota will not insist upon his motion to lay the conference report on the table. The matter of using Mexican laborers is of no concern whatever in my State. We do not have any of them in my State. We pay our agricultural labor, as the figures advanced by the able Senator from New Jersey now on the floor indicate, well above the average and above the minimum requirements for industrial labor.

However, I remember the background of the act, which we are proposing to extend. I remember the wetback problem. I remember that the Government of Mexico protested against the old act, under which our farmers merely went across the line and recruited the laborers who were closest to the line. That was the place where there was the best employment in Mexico.

The Mexican Government wanted the right to recruit labor in areas of unemployment. As a result, the act was drafted in careful cooperation with the Mexican Government. It seems to me that it would be wrong to leave the situation such that we shall not only have a recurrence of the wetbacks, with no benefit to our domestic laborers, who do not want to perform stoop labor, and who do not show up in adequate numbers to do it when it is necessary to do it, leaving our farmers without adequate labor for this humble stoop work. That would be the result if the act were not extended.

That is what the Senator will accomplish if he insists on his motion to lay the conference report on the table and that motion is agreed to. The result will be a renewal of the wetback evil and the evil—at least it was an evil in the opinion of the Mexican Government—of our farmers recruiting labor anywhere they want to recruit it and at any price they want to pay.

I am sure the Senator from Minnesota, with his well known record of deep interest in the welfare of people who work, does not want either of these evils to recur. However, that is what would happen if the motion to lay on the table should prevail and if, as a consequence, the bracero program should cease to exist.

Mr. McCARTHY. I thank the Senator for his comments. I am not making any argument this evening that the program should be discontinued. I am merely making a motion that the conference report be laid on the table, postponing further action on the subject until the next session of Congress, in January.

Furthermore, the action to lay on the table would serve notice on the growers that the very modest improvement in the program which was approved by the Senate is something about which we are very serious. In addition to that—and I make this as my final point before the time runs out—it would serve notice on the House of Representatives, particularly on the Committee on Agriculture, and call attention to the whole conference procedure that has been followed in this session of Congress. I do not mean to say that the Senate conferees did not speak well for us at that conference. However, the Senate voted almost unanimously to approve the committee report, and there was a majority vote in support of my amendment.

Mr. JORDAN. The Senator's amendment was carried by one vote.

Mr. McCARTHY. Yes; it was approved by one vote. A great many bills and amendments are approved by one vote. We certainly expect the conferees on the part of the Senate to represent our point of view. I believe it was James Madison who said that when a majority is reached and prevails by even one vote, that action is as sacred as though the action had prevailed unanimously.

We must not expect our conferees to go to conference and work out a ratio, by saying, "We can arrive at a solution on the basis of a vote of 41 to 40," for example, or on the basis of a vote of 75 to



25. I point out that in the House there was a vote on the question of killing the whole program. Approximately 150 Members said they did not want any program. Is this view represented by the House conferees? As I look at the membership, there was not a single House Member who was not in favor of the program. There was only one Member in the conference representing the Senate who had voted for my amendment.

I do not know how long the conferees were in conference. I have been told that it was a matter of 27 minutes, portal to portal. I do not believe that is the way to operate. At least, when we go to conference, we ought to walk slowly on the way to the conference, and very slowly on the way back, so at least 1 hour would elapse from the time we sent the conferees to negotiate for a settlement and the time they came back to the Senate to tell us that they could not do anything against the firm stand of the House of Representatives.

Mr. JORDAN. Mr. President, will the Senator yield, so that I may say a few words in defense of the conferees?

Mr. McCARTHY. I yield.

Mr. JORDAN. The conferees on the part of the Senate did speak in behalf of the Senator's amendment. There was considerable discussion in favor of it. The House conferees absolutely would not take any of it. They did recede on several points. However, they said "This is it, or there will be no migratory labor bill this year, because we are not giving in on this point, and we will not yield on it on the House floor, either."

They refused to accept it. The House has already adopted the conference report. The biggest objection that arose on the floor from the Texas people was accepted by the Representative from Texas, and an attempt was made in conference to iron out the differences to suit everybody. I knew the result would not suit the Senator from Minnesota, because his amendment had been stricken out. We did the best we could. The people from Texas did not like what they accepted.

Mr. McCARTHY. I am sure the Senator did the best he could, but I merely say that he should have taken more time to do his best, if only for appearances.

I went to one conference some time ago, and at about the time we arrived at the rotunda, one of the members of our delegation said, "I move that we recede from the position of the Senate." We had not even seen the lights on the House side when this conferee began to talk about receding.

I do not say that that is what happened in this conference. I do say that under the circumstances there is no great urgency about approving this conference report. We have the testimony of the Secretary of Labor that no great harm would be done if we waited and took another look at the question later. At least we will have served notice on the growers and on the House of Representatives that once in awhile we want our position to be given a little longer consideration in conference.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. McCARTHY. I yield to the Senator from Texas.

Mr. YARBOROUGH. Mr. President, within the past few days I have received 50 telegrams and numerous other communications, principally from farmers and farm organizations concerning the bracero labor proposal now before us.

The overwhelming majority of these wires, 48 of the 50 to be specific, express opposition to the bill as it now stands.

I will not take the time of the Senate to read all of these communications, but I do wish to submit the following and ask unanimous consent that they be printed at this point in the RECORD.

I have received telegrams from the following in opposition to the bill:

Mr. Ed Dean, executive secretary, West Texas Agriculture Employers' Group, Lubbock, Tex.

Mr. Jim Bowden, president, El Paso Valley Cotton Association, El Paso, Tex.

Mr. James Gallemore, president, Reeves County Farm Bureau, Pecos, Tex.

Mr. Ed Lewis, manager, South Plains Farm Labor Association, Plainview, Tex.

Mr. Wright G. Boyd, president, Dawson County Cotton Growers Association, Lamesa, Tex.

Mr. Noel D. Debnam, manager, Inter-County Market and Growers Association, Lamesa, Tex.

Mrs. Robert Poteet, manager, Farmers Co-op Labor Association, Lamesa, Tex.

Mr. C. E. Jackson, manager, Bolynda Cooperative Labor Association, O'Donnell, Tex.

Mr. Glenn Allred, president, Western Texas Farm Labor Association, Muleshoe, Tex.

Mr. Tom Cowart, president, Valley Farm Bureau, Mercedes, Tex.

Mr. Leon M. Lane, executive manager, Valley Farm Bureau, Mercedes, Tex.

R. Crabb and 19 residents of Pecos, Tex., area.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

LUBBOCK, TEX., September 19, 1961.

Senator RALPH YARBOROUGH,  
Old Senate Office Building,  
Washington, D.C.:

Have contacted eight associations in various parts of west Texas during last 2 days. None have changed their original position regarding extension of Public Law 78. All have indicated that they would rather have no law than to have law with present amendments attached.

ED DEAN.

EL PASO, TEX., September 20, 1961.

Senator RALPH YARBOROUGH,  
U.S. Senate, Washington, D.C.:

Since returning to El Paso, we have double checked with numerous farmers and have yet to find opinion contrary to that expressed previously to you. We still believe the Mexican program should be terminated. We are convinced that the pleas you are getting from farmers to continue this program come from those who have not fully realized how drastically H.R. 2010 would change the law or they have not considered possible alternatives. We urge that you do everything in your power to terminate this program now.

JIM BOWDEN.

PECOS, TEX., September 20, 1961.

Senator RALPH YARBOROUGH,  
Washington, D.C.:

We would very much appreciate it if you will vote against the Mexican labor bill today.

JAMES GALLEMORE.

PLAINVIEW, TEX., September 18, 1961.

Hon. RALPH YARBOROUGH,  
U.S. Senator from Texas,  
Old Senate Office Building, Washington, D.C.:

We represent 1,600 members through our association, South Plains Farm Labor, Plainview, Tex. As a group we are opposed to conference report on H.R. 2010, the bracero bill and would prefer to have no bracero program at all as the one with the present amendments.

ED LEWIS.

LAMESA, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

This association and its 1,500 members in 6 counties urgently request you oppose the extension of Public Law 78 with the tractor-driving exclusion on it. This will place an unbearable hardship on west Texas farmers.

WRIGHT G. BOYD.

LAMESA, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

We of this association with a membership of 300 ask that you vote against Public Law 78 with the tractor-driving amendment attached.

NOEL D. DEBNAM.

LAMESA, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

This association representing 800 members strongly oppose passage of Public Law 78 with provision about tractor drivers attached. Would appreciate your assistance.

Mrs. ROBERT POTEET.

O'DONNELL, TEX., September 18, 1961.

Hon. RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

DEAR SIR: As manager of Bolynda Cooperative Labor Association and representing well over 350 farmers who depend upon bracero tractor drivers, we strongly urge that you vote against H.R. 2010.

C. E. JACKSON.

MULESHOE, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

The bracero users in this west Texas area feel that the amendment that the House tacked on Public Law 78 would ruin the bracero program. We, therefore, feel we would be better off if the present program died and new negotiations for a new program was taken up.

GLENN ALLRED.

MERCEDES, TEX., September 20, 1961.

Senator RALPH YARBOROUGH,  
U.S. Senate, Washington, D.C.:

We will appreciate your efforts to defeat the present Public Law 78. The amendments are unacceptable to farm bureau.

TOM COWART.

MERCEDES, TEX., September 20, 1961.

Senator RALPH YARBOROUGH,  
U.S. Senate, Washington, D.C.:

We urgently request that you oppose the present Public Law 78. The amendments are unbearable to farm bureau.

LEON M. LANE.



PECOS, TEX., September 19, 1961.

Hon. RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

If pending bracero legislation is passed, this area will immediately become a disaster area not only to farmers, but local businesses also. Please consider these facts carefully.

R. Crabb, Damon Boyd, Ira Cox, Cal Wilson, Geo. Brown, A. Hoelcher, Bili Ramsey, Black and Jensen, A. Cox, C. Kellor, O'Neal Davis, L. R. Shoemaker, Carl Cortney, Allen Tipton, Bili Tipton, John Tipton, Dan Luttrell, Lee Weatherbee, R. Marable, Blackle Huffman, Jim Ellis, Glen Ellis, Cliff S. Kelton, Frank Coleman, Bili Lee, Red Bluff, Lyn Freeman, Rodger Newbrough, Ben Burkholder, Bob Brown, Roy Kent, M. Kempf, H. Moore, Freddie Quentilla, Herb Fortenberry, Carl Lasiter, Worsham Brothers, H. Calls, J. Black, J. Bohl, Tom John.

ETTER, TEX.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Members of this association have called not in favor of passing Public Law 78 with rider. Due to the industrial activities in this area, we are not able to hire domestic labor.

NORTH PLAINS FARMERS & RANCHERS  
LABOR ASSOCIATION.

ETTER, TEX.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Urge you kill Public Law 78 as amended by Senate and passed by House. Absolutely no dependable help here, and Public Law 78, with rider attached, no help to us.

MORRIS HUNT.

ETTER, TEX., September 16, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

I urge you to kill Public Law 78. If this law is passed with rider attached it will be impossible for us to continue our farm operations.

O. B. THOMAS.

ETTER, TEX.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Urge you kill Public Law 78 as amended by Senate and passed by House. No domestic labor here and Public Law 78 with rider attached won't help us.

PAULUS SCHROETER.

ETTER, TEX.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Please do all that is in your power to kill Public Law 78 with rider attached. Ruins us.

SAM R. CLUCK.

ETTER, TEX.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Due to the industrial activities in this area we are unable to hire farm labor. Public Law 78 with rider will kill us.

GEORGE BURNETT.

PECOS, TEX.

Hon. RALPH W. YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Please do what you can to stop the Mexican labor law.

A. J. HOELSCHER.

PECOS, TEX.

Hon. RALPH W. YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

As a farmer of Pecos County, please stop the bracero bill now before the Senate.

WILLIAM R. RAMSEY.

MIDLAND, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Your vote to kill the bracero bill will be appreciated. We can't farm with it. We will be better off without it.

R. C. CRABB, Jr.

GRUVER, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Encourage you to kill Public Law 78.

Respectfully,

R. D. MCCLELLAN.

PECOS, TEX., September 18, 1961.

Hon. RALPH W. YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

The bracero labor bill in the House at present will break the Texas farmer if passed. Help us fight this.

DAMON BOYD.

GRUVER, TEX., September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Agricultural economy of this county cannot survive if Public Law 78 is passed as written.

BOB CLUCK.

GRUVER, TEX., September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Please exert all effort to kill Public Law 78. Essential to local agricultural economy.

J. C. HARRIS.

GRUVER, TEX., September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Agricultural standards this area will deteriorate rapidly if Public Law 78 is passed as written.

DARRELL COOPER.

GRUVER, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Public Law 78 as written detrimental to agricultural economy in this area. Kill it.

DONNIE THORESON.

GRUVER, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

If Public Law 78 is passed it will penalize farming and ranching in this area.

D. G. CLUCK.

GRUVER, TEX., September 18, 1961.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Public Law 78 as written will ruin irrigation farming in this county. Use your influence to kill it.

HARLEY ALEXANDER.

GRUVER, TEX., September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Passage of Public Law 78 will ruin farming and ranching industry this area. Kill it.

LYNN HART.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Urgent that Public Law 78 be killed. Future of agriculture in this area depends on outcome.

BOBBY ALEXANDER.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Passage of Public Law 78 as written will deplete local labor supply. Urgent need to kill it.

GENE CLUCK.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Urge the killing of Public Law 78 as it will ruin agricultural economy of this area.

ROBERT ALEXANDER.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Urge your influence to kill Public Law 78. Local economy cannot survive its passage.

A. R. BORT.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Future of farming and ranching interests this area at stake. Kill Public Law 78.

NICK HOLT.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Appreciate your influence in killing Public Law 78. Local economy can not survive if passed.

ANDY BURLESON.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Public Law 78 will penalize farming and ranching in this area. Prevent its passage.

DEAN CLUCK.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Request your influence to kill Public Law 78. Essential to agricultural economy this area.

DEL CLUCK.

PECOS, TEX.

Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Will appreciate your vote to kill the new bracero law. We can't farm under it.

CAL WILSON.

PECOS, TEX.

Hon. RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Do not pass bracero labor bill. Very unsatisfactory.

GEORGE BROWN.



PECOS, TEX.,  
September 18, 1961.

HON. RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

I do not believe that farmer should have a minimum wage law. I hope you vote against the bill.

BOB JENSON.

GRUVER, TEX.,  
September 18, 1961.

U.S. Senator RALPH YARBOROUGH,  
Senate Office Building,  
Washington, D.C.:

Market value of real estate will be affected by forced stoppage of irrigation farming if Public Law 78 is passed. Urge rejection.

J. C. CLUCK.

PECOS, TEX., September 18, 1961.

HON. RALPH W. YARBOROUGH,  
U.S. Senator,  
Senate Office Building,  
Washington, D.C.:

This bracero bill before the House at present puts the Texas farmer on the critical list if passed. Fight to kill bill.

IRA COX.

SEPTEMBER 12, 1961.

Senator RALPH YARBOROUGH,  
Washington, D.C.

DEAR SIR: The Terry County Users Association called a meeting on September 11, 1961, at 8 p.m. in the Terry County Courthouse, Brownfield, Tex., to decide whether they wanted the Senate version of Public Law 78 or no bill at all.

The vote was unanimous to try and kill the bill, rather than accept the Senate version.

The names of the farmers present at the meeting are included.

Sincerely,

HOWARD HURD.

#### MEMBERS OF TERRY COUNTY USERS ASSOCIATION

Monroe Rowden, Brownfield, Tex.; Frank Sargent, Brownfield, Tex.; Noah Lemley, Brownfield, Tex.; Dane Qualls, Brownfield, Tex.; Guy S. Walker, Brownfield, Tex.; J. V. Gilliam, Meadow, Tex.; Joe Joplin, Brownfield, Tex.

A. A. Miller, Brownfield, Tex.; Clyde Bond, Brownfield, Tex.; L. L. Banta, Brownfield, Tex.; C. C. Fought, Brownfield, Tex.; Keith Vandiveire, Brownfield, Tex.; H. E. Hancock, Brownfield, Tex.; Jack Baccus, Brownfield, Tex.

Carrol Shultz, Brownfield, Tex.; Doyle More, Brownfield, Tex.; Claud Buckanan, Brownfield, Tex.; Vick Herring, Brownfield, Tex.; T. S. Doss, Brownfield, Tex.; Luke Baker, Brownfield, Tex.; W. S. Mize, Brownfield, Tex.

John Avara, Brownfield, Tex.; Raleigh Luker, Brownfield, Tex.; Robert White, Meadow, Tex.; Gordon Patton, Brownfield, Tex.; J. O. Farrar, Brownfield, Tex.; M. R. Paddock, Brownfield, Tex.; Hugh Clark, Brownfield, Tex.; Thomas B. Markaney, Brownfield, Tex.

Reg Martin, Tokio, Tex.; Jimmy Sherrin, Tokio, Tex.; J. W. Sherrin, Tokio, Tex.; Thurman Skains, Brownfield, Tex.; Frank Ratliff, Jr., Brownfield, Tex.; H. B. Settle, Brownfield, Tex.; T. F. Winn, Brownfield, Tex.; Tom L. Adams, Brownfield, Tex.

Lewis M. Waters, Brownfield, Tex.; J. L. Lyons, Brownfield, Tex.; Cecil Cowan, Brownfield, Tex.; Robert Hamm, Wellman, Tex.; H. L. Holleman, Brownfield, Tex.; Leon Hinson, Brownfield, Tex.; Clarence Denson, Brownfield, Tex.

George Kempson, Brownfield, Tex.; M. A. Hinson, Brownfield, Tex.; John Q. Perkins, Brownfield, Tex.; C. C. Perkins, Tokio, Tex.; Nathan Chesshir, Brownfield, Tex.; Paul

Blackstock, Brownfield, Tex.; Dickie Green, Tokio, Tex.

Raymond Green, Brownfield, Tex.; Jess Dozier, Ropesville, Tex.; Earl M. Fox, Brownfield, Tex.; Earnest Latham, Brownfield, Tex.; Levere Forbus, Meadow, Tex.

W. A. Fulford, Brownfield, Tex.; Carl Hogue, Brownfield, Tex.; Earl J. Brown, Jr., Brownfield, Tex.; Gerald Meador, Brownfield, Tex.; Aubry Pryor, Brownfield, Tex.; J. F. Fulford, Brownfield, Tex.; C. A. Winn, Brownfield, Tex.

K. Lanse Turner, Brownfield, Tex.; H. L. King, Brownfield, Tex.; W. H. Holleman, Brownfield, Tex.; Victor Watts, Brownfield, Tex.; Howard Hurd, Brownfield, Tex.; Jim Foy, Brownfield, Tex.; Dewey Runnels, Brownfield, Tex.

Mr. McCARTHY. Mr. President, I thank the Senator from Texas for introducing this additional evidence of the opposition of the Texas growers to the conference report.

Mr. President, I move to lay the conference report on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Minnesota. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Connecticut [Mr. DODD], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. McGEE], the Senator from Oregon [Mr. MORSE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mr. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Pennsylvania [Mr. CLARK], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Washington [Mr. MAGNUSON], the Senator from Wyoming [Mr. McGEE], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mr. NEUBERGER], the Senator from Massachusetts [Mr. SMITH] would each vote "yea."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Connecticut [Mr. DODD]. If present and voting, the Senator from Nevada would vote "nay" and the Senator from Connecticut would vote "yea."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Oregon [Mr. MORSE]. If present and voting, the Senator from New Mexico would vote "nay," and the Senator from Oregon would vote "yea."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator

from Wyoming [Mr. HICKEY]. If present and voting, the Senator from Idaho would vote "nay," and the Senator from Wyoming would vote "yea."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is absent by leave of the Senate to attend the Commonwealth Parliamentary Conference in London.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPP] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Kansas [Mr. CARLSON] is detained on official business.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Maryland [Mr. BEALL], the Senator from Indiana [Mr. CAPEHART], the Senator from Arizona [Mr. GOLDWATER], and the Senator from Kansas [Mr. SCHOEPP] would each vote "nay."

On this vote, the Senator from Connecticut [Mr. BUSH] is paired with the Senator from Kentucky [Mr. MORTON]. If present and voting, the Senator from Connecticut would vote "yea," and the Senator from Kentucky would vote "nay."

The result was announced—yeas 34, nays 40, as follows:

[Roll 216]

YEAS—34

Bartlett	Keating	Prouty
Byrd, W. Va.	Kefauver	Proxmire
Carroll	Lausche	Randolph
Case, N.J.	Long, Mo.	Scott
Dirksen	Long, Hawaii	Symington
Douglas	Mansfield	Tower
Fong	McCarthy	Williams, N.J.
Gore	McNamara	Yarborough
Hart	Metcalf	Young, N. Dak.
Humphrey	Monroney	Young, Ohio
Jackson	Pastore	
Javits	Pell	

NAYS—40

Aiken	Ervin	Mundt
Anderson	Fulbright	Robertson
Bennett	Hayden	Russell
Bible	Hickenlooper	Saltonstall
Boggs	Hill	Smathers
Byrd, Va.	Holland	Smith, Maine
Case, S. Dak.	Hruska	Sparkman
Cooper	Johnston	Stennis
Cotton	Jordan	Talmadge
Curtis	Kerr	Thurmond
Dworshak	Kuchel	Wiley
Eastland	Long, La.	Williams, Del.
Ellender	McClellan	
Engle	Miller	

NOT VOTING—26

Allott	Chavez	McGee
Beall	Church	Morse
Bridges	Clark	Morton
Burdick	Dodd	Moss
Bush	Goldwater	Muskie
Butler	Gruening	Neuberger
Cannon	Hartke	Schoeppel
Capehart	Hickey	Smith, Mass.
Carlson	Magnuson	



So Mr. McCARTHY's motion to lay the conference report on the table was rejected.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, I believe it should be stated that previously it was announced that if the motion to lay on the table were rejected, that did not mean that debate on this question would come to an end. It is my understanding that debate on the conference report will continue—perhaps tomorrow morning.

Mr. DOUGLAS. I am ready to speak on it tonight.

#### ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, will the Senator from Illinois yield, so that I may endeavor to have the Senate take action on some measures to which I think there will be no objection, and which probably can be disposed of rather quickly?

Mr. DOUGLAS. Certainly.

#### ACQUISITION OF PATENTED MINING CLAIM ON SOUTH RIM OF GRAND CANYON NATIONAL PARK

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1021, Senate bill 383.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 383) to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, line 5, after the word "any," to strike out "apex" and insert "extralateral"; in line 13, after the word "of," to strike out "thirty-five" and insert "twenty-five;" on page 4, line 11, after the word "the," to strike out "vertical boundaries of said claim, within a distance of 1,000 feet from the vertical boundaries of said claim and upon the further condition that any vein or deposit of said ore existing at this 1,000-foot limitation may be mined and removed for an additional 1,000 feet" and insert "northeast boundary of said claim, along the dip of any ore body apexing within the said claim"; in line 22, after the word "laws," to insert a colon and "Provided further, That nothing in this Act shall be construed to create any obligation on the Atomic Energy Commission for the purchase of uranium derived from ores removed from beyond the vertical boundaries of the Orphan Claim."

And, on page 6, after line 19, to strike out:

(c) When paid the royalty is hereby made available to the National Park Trust Fund Board which shall, in accordance with the provisions of the Act of July 10, 1935 (49 Stat. 477), as amended, invest, reinvest, retain investments, and otherwise administer the principal and the income therefrom pursuant to said Act and for the benefit of, or in connection with, the National Park Service, its activities or its service: *Provided,*

That in no event may the principal derived from said royalty be expended except upon express authorization by law.

And, in lieu thereof, to insert:

(c) When paid, the royalty shall be deposited to miscellaneous receipts of the Treasury in accordance with the provisions of title 31, United States Code, section 484.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That, in order to acquire for Grand Canyon National Park certain private land strategically located inside the park on the south rim of Grand Canyon and to provide for the removal of surface structures thereon and the termination of mining activities in connection with such land which intrudes upon the rim of Grand Canyon and adversely affects the public enjoyment of the park, the Secretary of the Interior is authorized to accept on the terms hereinafter stated the conveyance of title to the Orphan Claim, a mining claim of approximately 20.64 acres patented to D. L. Hogan and C. J. Babbitt on March 23, 1906, patent numbered 43506: *Provided,* Said authority is conditioned upon the grantor releasing any extralateral rights it may have to follow under adjoining park lands any mineral discovery made on the aforesaid Orphan Claim. The grantor shall, within six months following the passage of this Act, execute to the United States deeds of conveyance of good and sufficient fee simple title to the said claim, subject to the following reservations and conditions:

(a) All mineral rights on the said claim shall be reserved to the said grantor for a period of twenty-five years, but the exercise of said rights shall be limited to underground mining.

(b) Until the close of 1966 the grantor shall be permitted to maintain and operate the Grand Canyon Inn and related cottages and facilities and may reserve for said period the customary rights to use so much of the surface area of the claim as is necessary for mining operations.

(c) After 1966 and until the expiration of the mineral reservation the grantor shall have reserved to it the surface rights to only the following described tract of approximately three acres which is necessary to operate the said mine:

Beginning at an iron stake known as corner numbered 2 of the Orphan Claim, mineral survey numbered 2004 in section 14, township 31 north, range 2 east, Gila and Salt River base and meridian; thence north 41 degrees 03 minutes east 500 feet; thence north 60 degrees 15 minutes west 300 feet; thence south 41 degrees 03 minutes west 500 feet to the south end center of said claim; thence south 60 degrees 15 minutes east 300 feet to place of beginning, including all buildings and improvements as per survey of April 21, 1905.

(d) Any structures erected on the reserved portion of surface rights shall be no more than two stories in height and shall be so designed as to be appropriate to the region.

(e) The grantor shall be permitted to maintain and operate the present aerial tramway for not to exceed two years from the date of the conveyance to the United States; and throughout the allowable period of its mining to maintain and operate the sixty-thousand-gallon water tank; the access road across the claim to the mine area, the portal area of the present adit, and such ventilators from the mine as may be required by mine safety laws.

(f) The grantor shall be permitted to haul ore from its mining operation to such mills as directed by the Atomic Energy Commission or otherwise, over roads of the Grand Canyon National Park upon payment of use

charges therefor, as agreed between the parties but reasonably calculated to provide such additional cost of maintenance of said roads, if any, as may be occasioned by such operations.

SEC. 2. (a) In exchange for the foregoing conveyance to the United States of the said Orphan Claim and the release by the owner thereof of any claims to pursue any apex rights to the ore body under park land, the grantor shall have the right for a period of twenty-five years to mine and remove on a royalty basis all uranium ore and such other metalliferous ore of commercial value as can be recovered through the shaft existing on the Orphan Claim and additional underground workings beyond the northeast boundary of said claim, along the dip of any ore body apexing within the said claim: *Provided,* Said mining and removal rights shall be limited to underground mining, which shall be conducted so as not to disturb in any manner the surface of park land or the canyon walls, except for ventilation as required in accordance with mine safety laws: *Provided further,* That nothing in this Act shall be construed to create any obligation on the Atomic Energy Commission for the purchase of uranium derived from ores removed from beyond the vertical boundaries of the Orphan Claim.

(b) The United States shall be paid a royalty for ore extracted from under Government lands pursuant to this section, in accordance with the following Uranium Percentage Royalty Schedule:

Royalty percentage of mine value per dry ton	
Mine value per dry ton	
\$0.01 to \$10.00-----	5 per centum
\$10.01 to \$20.00-----	5½ per centum
\$20.01 to \$30.00-----	6 per centum
\$30.01 to \$40.00-----	6½ per centum
\$40.01 to \$50.00-----	7 per centum
\$50.01 to \$60.00-----	7½ per centum
\$60.01 to \$70.00-----	8 per centum
\$70.01 to \$80.00-----	8½ per centum
\$80.01 to \$90.00-----	9 per centum
\$90.01 to \$100.00-----	9½ per centum
\$101.01 or more-----	10 per centum

"Mine value per dry ton" is hereby defined as the dollar value per dry ton of crude ores at the mine as paid for by the Atomic Energy Commission or other Government agency before allowance for transportation and development; however, if the Government at any time hereafter does not establish and pay for said ores on a fixed or scheduled dollar value per dry ton of crude ores at the mine, or said ores contain salable minerals, some or all, or which are disposed of to a custom treatment plant or smelter for treatment and sale, then mine value per dry ton shall be the gross value per dry ton of said crude ore as paid for by the Atomic Energy Commission or other Government authorized agency mill or other buyer, less any allowances or reimbursements for the following specific items: (1) transportation of ores, and (2) treatment or beneficiation of ores; which specific items shall in such event be deducted from the gross sales price received from the metal content of said ores by the seller before said percentage royalty is calculated and paid.

Whenever mineral or other products are recovered which are not included in determining mine value per dry ton as defined herein, there shall be paid for such minerals or other products a royalty of 5 per centum of the gross value of such products at the mine site.

*Provided,* That on all ore having a mine value per dry ton of less than \$50, the royalty to be paid hereunder shall not exceed 15 per centum of the grantor's net profit on such ore which shall be determined by the amount remaining from the total sales price of such ore after the payment of reasonable operating expenses, taxes, and cost depletion.



(c) When paid, the royalty shall be deposited to miscellaneous receipts of the Treasury in accordance with the provisions of title 31, United States Code, section 484.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the committee amendments be considered en bloc.

The PRESIDING OFFICER. Without objection, the committee amendments will be considered en bloc; and, without objection, they are agreed to.

Mr. BIBLE. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement I have prepared in regard to the bill. The bill was reported unanimously from the committee.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### PURPOSE

S. 383 would authorize the Secretary of the Interior to accept the conveyance of title to a patented mining claim (known as the Orphan Claim) on the south rim of Grand Canyon provided that the present owner releases any extralateral rights he may have to follow a mineral discovery on the claim under adjoining park land. A condition of the transfer would permit the grantor to mine and remove on a royalty basis for 25 years all uranium ores recoverable through the existing shaft on the claim. This could include ores extending beyond the northeast boundary of the claim along the dip of any ore body apexing within the said claim. All mining activities would be limited to underground mining and the grantor would pay special use charges to haul ore from the mining operation over park roads to milling sites. The grantor would also be permitted to maintain and operate until the close of 1966 an inn and related cottage facilities.

#### NEED

The Orphan claim was patented in 1906 before the Grand Canyon National Park was initially established in 1908 as a national monument. This claim represents a critical inholding in the park inasmuch as 4 acres of the claim lie on the rim of the Grand Canyon and 16 acres "hang over" or are on the wall of the canyon. The claim intrudes on the scenic integrity of the Grand Canyon and its surface use constitutes a serious impairment to preservation and enjoyment of the park. Two acres of the tract on the rim are the site of the Grand Canyon Inn and motel cabins which were privately developed in recent years. The enactment of the reported bill would eliminate the existing incompatible uses and future threats could not materialize. Uncontrolled mining operations pose as large a threat to park activities as do the present adverse surface uses. Both problems are met by the procedures called for in S. 383.

The Orphan claim is owned by Western Gold & Uranium, Inc., and the company's claim to extralateral rights to mine and remove uranium ore at depth beyond the boundaries of its claim into adjacent national park lands does represent a justifiable controversy. The complex legal issues underlying the controversy are explained in the report of the Department of the Interior which appears below S. 383 provides for the entering into of an agreement between the Department of the Interior and the corporation which is satisfactory to both parties and which will obviate the need for expensive and likely very protracted litigation. The committee unanimously recommends the enactment of this legislation.

#### AMENDMENTS

The committee has adopted an amendment recommended by the Department of the Interior and the Atomic Energy Commission designed to avoid a misconstruction of the bill which could affect the Commission's contractual relationships with the grantor.

Aside from perfecting amendments, other amendments adopted would change the period for mining operations within the claim from 35 to 25 years, which is the limited term for mining at depth outside the claim; limit mining operations at depth beyond the claim's boundaries to those ore bodies apexing within the claim; and direct all royalty payments to be deposited as miscellaneous receipts rather than in the national park trust fund as was originally proposed.

The PRESIDING OFFICER. The question now is on the engrossment and third reading of the bill.

The bill (S. 383) was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. BIBLE. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. MANSFIELD. Mr. President, I move to lay on the table the motion to reconsider.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. LAUSCHE. Mr. President, what bill has the Senate been acting on?

Mr. MANSFIELD. Senate bill 383, to provide for the acquisition of a patented mining claim on the south rim of Grand Canyon National Park. The bill was reported unanimously from the committee, and I understand there is no controversy in regard to the bill.

#### MID-STATE RECLAMATION PROJECT, NEBRASKA

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 866, Senate bill 970.

The motion was agreed to; and the Senate proceeded to consider the bill (S. 970) to authorize the Secretary of the Interior to construct, operate, and maintain the mid-State reclamation project, Nebraska, and for other purposes, which had been reported from the Committee on Interior and Insular Affairs with amendments on page 2, after line 20, to insert a new section, as follows:

SEC. 3. The interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due or callable for redemption for fifteen years from date of issue.

And, on page 3, after line 4, to insert a new section, as follows:

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act

shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

So as to make the bill read:

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the Secretary of the Interior is hereby authorized to construct, operate, and maintain in accordance with the Federal reclamation laws (Act of June 17, 1902 (32 Stat. 388), and Acts amendatory thereof or supplementary thereto) the Mid-State Federal reclamation project, Nebraska, for the principal purposes of furnishing a surface irrigation water supply for approximately one hundred and forty thousand acres of land, aiding in the replenishment of the ground water supply of the area for domestic and agricultural use, controlling floods, conserving and developing fish and wildlife, and producing hydroelectric power. The principal works of the project shall consist of a diversion dam on the Platte River, a main supply canal, an interconnected reservoir system, hydroelectric power facilities, wasteways, pumps, drains, canals, laterals, distribution facilities, and related works, including, on a non-reimbursable basis, minimum basic recreational facilities.

SEC. 2. The Mid-State project shall be integrated, physically and financially, with the other Federal works in the Missouri River Basin constructed or authorized to be constructed under the comprehensive plans approved by section 9 of the Act of December 22, 1944 (58 Stat. 891), as amended and supplemented, and shall be a unit of the Missouri River Basin project therein approved and authorized, and the authorization for the appropriation of funds for the accomplishment of the works to be undertaken by the Secretary of the Interior under said authority shall extend to and include funds for the construction of the Mid-State project.

SEC. 3. The interest rate used for computing interest during construction and interest on the unpaid balance of the capital costs allocated to interest bearing features of the project shall be determined by the Secretary of the Treasury as of the beginning of the fiscal year in which construction is initiated, on the basis of the computed average interest rate payable by the Treasury upon its outstanding marketable public obligations, which are neither due or callable for redemption for fifteen years from date of issue.

SEC. 4. For a period of ten years from the date of enactment of this Act, no water from the project authorized by this Act shall be delivered to any water user for the production on newly irrigated lands of any basic agricultural commodity, as defined in the Agricultural Act of 1949, or any amendment thereof, if the total supply of such commodity for the marketing year in which the bulk of the crop would normally be marketed is in excess of the normal supply as defined in section 301(b)(10) of the Agricultural Adjustment Act of 1938, as amended, unless the Secretary of Agriculture calls for an increase in production of such commodity in the interest of national security.

The amendments were agreed to.



The bill was ordered to be engrossed for a third reading, was read the third time, and passed.

Mr. HRUSKA. Mr. President, I ask unanimous consent to have printed at this point in the RECORD a statement in regard to Senate bill 970.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

#### STATEMENT BY SENATOR HRUSKA

This bill authorizes the Secretary of the Interior to construct, operate, and maintain the mid-State reclamation project in Buffalo, Hall and Merrick Counties in Nebraska.

Probably no irrigation project in recent years has had the thorough and expert study given the mid-State undertaking.

Those of us associated in its sponsorship have been impressed with the care and quality of the technical planning and engineering which have gone into mid-State in the years of its development.

In 1957, when the life of the district had to be renewed by popular election, the vote was about 5 to 1 in favor. More than \$1 million was raised at the local level to achieve the proper planning which necessarily preceded this legislation.

The repayment rate on the mid-State project will be substantially higher than any existing Nebraska project and Nebraska's repayment rate is higher than the average in Missouri Basin States.

My colleague, Senator CURTIS, who is the introducer of this bill and whom I join in sponsorship, asked the Bureau of Reclamation to tabulate the irrigation costs and percentage repaid by water users on 16 existing projects in Missouri Basin States. Average repayment by water users for irrigation costs on these 16 is 21.1 percent. Five of the 16 projects are in Nebraska and the average repayment of these 5 is 28.4 percent.

The bill now before the Senate, if enacted, will provide a repayment by water users of 59.2 percent of irrigation costs of the mid-State project.

A second point of importance is the preservation of one of Nebraska's most vital resources—its supply of ground water. This is literally a life or death matter for Nebraska crops in the irrigation areas. The mid-State project can be of tremendous benefit in recharging the underground water supply.

This project has been sought for almost a decade. During that time, it has developed wide and popular support and understanding by the people of the area involved. Commenting editorially on the favorable action of the Senate Committee on Interior and Insular Affairs, the Lincoln Star said the announcement could be "the biggest Nebraska news of the moment."

The Senator from Nebraska shares that view. Enactment of the bill will be a great and progressive step.

Mr. CURTIS. Mr. President, a parliamentary inquiry: Has Senate bill 970 been passed?

The PRESIDING OFFICER. It has been passed.

Mr. CURTIS. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. DIRKSEN. Mr. President, I move that the motion to reconsider be laid on the table.

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

#### MARIA LUISA REIS (NEE) LOYS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1002, House bill 6122.

The motion was agreed to; and the bill (H.R. 6122) for the relief of Maria Luisa Reis (Nee) Loys was considered, ordered to a third reading, was read the third time, and passed.

#### AMENDMENT OF MILITARY CONSTRUCTION ACT OF 1960 TO CLARIFY AUTHORITY TO EXCHANGE CERTAIN LANDS—BILL INDEFINITELY POSTPONED

Mr. MANSFIELD. Mr. President, I move that Calendar 1064, House bill 8924, to amend section 207 of the Military Construction Act of 1960 to clarify the authority granted to exchange certain lands owned by the United States for lands owned by the State of Oregon, be indefinitely postponed.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SETTLEMENT OF CERTAIN CLAIMS ARISING OUT OF CRASH OF AIRCRAFT

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1066, House bill 8958.

The motion was agreed to, and the bill (H.R. 8958) to remove the present \$5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla., was considered, ordered to a third reading, read the third time, and passed.

#### WORLD ECONOMIC PROGRESS EXPOSITION

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1069, Senate Concurrent Resolution 41.

The motion was agreed to; and the Senate proceeded to consider the concurrent resolution (S. Con. Res. 41) endorsing the World Economic Progress Exposition, which had been reported from the Committee on Foreign Relations with an amendment, on page 4, after line 8, to strike out:

SEC. 2. The President of the United States and the departments and agencies of the United States Government with an interest in activities included within the subject matter of the World Economic Progress Assembly and Exposition are requested to devote such resources and personnel as may be necessary to assure that the United States Government's participation will adequately reflect the important role of our Nation in contributing to the economic growth of other nations.

And, in line 18, to change the section number from "3" to "2"; so as to make the concurrent resolution read:

*Resolved by the Senate (the House of Representatives concurring), That it is the sense*

of the Congress that the World Economic Progress Assembly and Exposition is consistent with the objectives of the Government of the United States and represents a significant contribution to the objectives of the United States and to all who seek to realize a society in which men and nations can realize their potential in freedom and peace.

SEC. 2. The President of the United States is requested to issue a proclamation reciting the purposes of the World Economic Progress Assembly and Exposition and inviting participation by all concerned with international economic development.

The amendment was agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

#### TRANSPORTATION OF FRAUDULENT STATE TAX STAMPS

Mr. MANSFIELD. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 1067, House bill 1777.

The motion was agreed to; and the bill (H.R. 1777) to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes, was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, those are all the measures I wish to have called up at this time.

#### ORDER OF BUSINESS—FURTHER CONSIDERATION OF CONFERENCE REPORT ON MEXICAN AGRICULTURAL LABOR BILL

Mr. JORDAN. Mr. President, there was a tentative agreement to put over until tomorrow further debate on the conference report on the Mexican agricultural labor bill, if the motion to lay the conference report on the table was rejected. However, a number of Senators have stated that they wish to have the debate on that report continued now and they wish to have final action on it taken tonight. That is agreeable to me, if it is to the majority leader.

Mr. MANSFIELD. That will be satisfactory to me, except I believe some Members may have been given the impression that no further votes would be taken tonight. But if it is agreeable, I shall be glad to enter into an agreement to have the vote on the question of agreeing to the conference report taken at a time certain tomorrow.

Mr. DOUGLAS. Mr. President, reserving the right to object, I believe this matter requires rather full debate, and I am not prepared at this time to agree to such a proposal.

#### UNITED STATES PARTICIPATION IN ASSISTANCE TO CERTAIN MIGRANTS AND REFUGEES

Mr. FULBRIGHT. Mr. President, I ask that the Chair lay before the Senate



a message from the House of Representatives in regard to House bill 8291.

The PRESIDING OFFICER laid before the Senate a message from the House of Representatives, stating that the House had agreed to the amendments of the Senate numbered 1, 4, 5, 6, 8, 9, and 10 to the bill (H.R. 8291) to enable the United States to participate in the assistance rendered to certain migrants and refugees, and that the House disagreed to the amendments of the Senate numbered 2, 3, 7, 11, 12, 13, 14, 15, 16, 17, and 18 to the bill.

Mr. FULBRIGHT. Mr. President, I move that the Senate insist upon its amendments numbered 2, 3, 11, 12, 13, 14, 15, 16, 17, and 18, to House bill 8291, request a conference with the House on the disagreeing votes of the two Houses thereon, and that the Chair appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. FULBRIGHT, Mr. SPARKMAN, Mr. HUMPHREY, Mr. WILEY, and Mr. HICKENLOOPER the conferees on the part of the Senate.

#### ACTIVITIES OF COMMITTEE ON FOREIGN RELATIONS

Mr. FULBRIGHT. Mr. President, as is customary at this time during a session, I wish to present a list of measures approved by the Committee on Foreign Relations. I ask unanimous consent that this list be printed at the conclusion of my brief remarks.

No mere listing can adequately portray the blood, sweat, toil, and tears, if I may use that famous phrase in this connection, of the Committee on Foreign Relations. The item prosaically listed as No. 17—Foreign Assistance Act of 1961—alone consumed the better part of 36 working days of members of the committee—in hearings, markup, floor debate, and conference.

The list does not show seven meetings with high officials of the administration, devoted to a study of the situation in Cuba. In the same category are numerous briefings by officials of our Government on other subjects of deep concern to Members of the Senate—Laos, the Congo, Berlin, the nuclear weapons test negotiations, Brazil, the Punta del Este Conference, the Vienna summit meeting, and others.

I might make mention, too, of nominations, of which 1,365 passed through the committee—68 for ambassadors, 17 for appointive positions in the State Department, 31 for U.S. representatives to the United Nations and its organs, 1,230 for positions in the Foreign Service, and other miscellaneous appointments.

I think that the Committee on Foreign Relations can be proud of the fact that it has acted on all the recommendations within its competence made by the President of the United States, with the exception of three recently received treaties.

Finally, Mr. President, I am glad to have this occasion to thank all members of the committee for their cooperation, hard work, and dedicated service throughout the year. My appreciation goes equally to the minority party mem-

bers, as well as to the majority party members, because the Committee on Foreign Relations rarely records a partisan vote.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

#### PART I. PRINCIPAL MEASURES APPROVED BY FOREIGN RELATIONS COMMITTEE AND PASSED BY THE SENATE AS OF SEPTEMBER 21, 1961

1. International Convention for the Prevention of Pollution of the Sea by Oil. Approved May 16, 1961.<sup>1</sup>

2. International Telecommunication Convention. Approved, September 21, 1961.<sup>1</sup>

3. Columbia River Basin Treaty with Canada. Approved March 16, 1961.<sup>1</sup>

4. Second agreement between the United States and Germany regarding certain matters arising from the validation of German dollar bonds. Approved May 4, 1961.<sup>1</sup>

5. Convention with Canada for avoidance of double taxation and prevention of fiscal evasion. Approved September 21, 1961.<sup>1</sup>

6. Convention on the Organization for Economic Cooperation and Development. Approved March 16, 1961.<sup>1</sup>

7. Treaty of Extradition with Brazil. Approved May 16, 1961.<sup>1</sup>

8. Modification of the International Load Line Convention. Approved, May 16, 1961.<sup>1</sup>

9. Treaty of friendship, establishment and navigation with Belgium. Approved September 11, 1961.<sup>1</sup>

10. Treaty of Amity, and Economic Relations with Vietnam. Approved September 11, 1961.<sup>1</sup>

11. Presentation of a monument to the people of Mexico (S. 653). Passed Senate September 7, 1961.

12. Providing for annuities for widows of certain Foreign Service officers who retired prior to the effective date of the Federal Employees Group Life Insurance Act of 1954 (S. 1067). Passed Senate March 30, 1961.

13. Mutual Educational and Cultural Exchange Act of 1961 (S. 1154). Approved September 1961.<sup>1</sup>

14. Amendment to the Mutual Defense Assistance Control Act of 1954 (S. 1215). Passed Senate May 11, 1961.

15. Repeal of provisions prohibiting the charge for services rendered to vessels and seamen (S. 1358). Passed Senate March 28, 1961.

16. Continuing the authority of the President to utilize surplus agricultural commodities to assist needy peoples and to promote economic development in underdeveloped areas of the world (S. 1720). Approved July 20, 1961.<sup>1</sup>

17. The Foreign Assistance Act of 1961 (S. 1983). Approved September 4, 1961.<sup>1</sup>

18. To provide for the establishment of a Peace Corps (S. 2000). Approved September 1961.<sup>1</sup>

19. To establish a Disarmament Agency (S. 2180). Approved September 1961.<sup>1</sup>

20. Amending the act authorizing appropriations for U.S. membership in the United Nations Food and Agriculture Organization (S. 1779). Provisions included in Foreign Assistance Act of 1961.<sup>1</sup>

21. To amend the Foreign Service Act of 1946, as amended to (S. 2305). Priority provisions included in Foreign Assistance Act of 1961.<sup>1</sup>

22. To provide for the appointment of a representative of the United States to the Organization for Economic Cooperation and Development (S. 2423). Passed Senate September 6, 1961; motion to reconsider entered.

23. To authorize acceptance of an amendment to the articles of agreement of the International Finance Corporation permit-

ting investment in capital stock (H.R. 6765). Approved August 30, 1961.<sup>1</sup>

24. The Migration and Refugee Assistance Act of 1961 (H.R. 8291). Senate amended House bill H.R. 8291 on September 1961.

25. Amending the act providing for membership and participation in the Inter-American Children's Institute (S.J. Res. 66). Passed Senate, March 24, 1961.

26. Extending recognition to the International Exposition for Southern California (S.J. Res. 132). Passed Senate, September 11, 1961.

27. Providing for acceptance of the Agreement for the Establishment of the Caribbean Organization (H.J. Res. 384). Approved, June 30, 1961.<sup>1</sup>

28. Extending through June 30, 1962, the life of the U.S. citizens commission for NATO (H.J. Res. 463). Approved, July 31, 1961.<sup>1</sup>

29. Expressing the sense of the Congress on Project Hope (S. Con. Res. 8). Agreed to by Senate, April 3, 1961.

30. Authorizing attendance of delegations from the Senate and House of Representatives at meetings of the Commonwealth Parliamentary Association (S. Con. Res. 29). Agreed to by Senate, July 17, 1961.

31. Relative to the relationship of the United States with the Republic of China and communistic China (S. Con. Res. 34). Agreed to by House, August 31, 1961.<sup>1</sup>

32. Assistance to Senators in connection with interparliamentary activities and reception of foreign officials (S. Res. 40). Agreed to, January 31, 1961.<sup>1</sup>

33. To authorize a continuing study of U.S. foreign policy (S. Res. 41). Agreed to, January 31, 1961.<sup>1</sup>

34. Favoring the establishment of an international food and raw materials reserve (S. Res. 128). Agreed to, June 1, 1961.<sup>1</sup>

35. Relative to the establishment of a White Fleet designed to render emergency assistance to people of other nations in case of disaster (S. Res. 154). Agreed to, June 1, 1961.<sup>1</sup>

36. Authorizing attendance of a delegation from the Senate at the meeting of the Commonwealth Parliamentary Association (S. Res. 168). Agreed to, July 17, 1961.<sup>1</sup>

37. Endorsing the World Economic Progress Exposition (S. Con. Res. 41).

38. Four printing resolutions (S. Con. Res. 7, S. Res. 102, S. Res. 172, S. Res. 173). Agreed to by House, January 31, 1961; agreed to by Senate, March 9, and July 14, 1961, respectively.

#### PART II. MEASURES REMAINING TO BE ACTED ON BY COMMITTEE ON FOREIGN RELATIONS

1. Amendments to World Meteorological Organization Convention (Ex. F, 87-1).

2. Safety of Life at Sea Convention (Ex. K, 87-1).

3. Declaration to Northwest Atlantic Fisheries Convention (Ex. M, 87-1).

4. Amendment to the Convention on International Civil Aviation (Ex. N, 87-1).

5. Foreign Service Buildings Act amendments (S. 1507).

6. International Claims Settlement Act amendments (S. 1987).

7. Amendment to International Organizations Immunities Act (S. 2336).

8. New York World's Fair (H.R. 7763). Passed House, August 22, 1961.

9. Payment to the Philippine Government (H.R. 8617) (S. 2380). Reported to House August 26, 1961.

10. Reimbursement to New York City for extraordinary expenses during the 15th General Assembly (H.R. 4441, S. 475, S. 1506). Report to House, August 23, 1961.

11. Passport legislation (S. 229, S. 300, S. 1614). Executive branch position not yet ready.

12. Freedom Academy (S. 822). No executive branch reports received to date.

<sup>1</sup> Denotes measures on which final action was concluded.



Then this proposal went to the Senator's great committee. Where is its report? It has none. Where is the record of its hearings? It held none. But in the Senator's great wisdom, by his beautiful eloquence he justifies \$249,000 for a man in whom we have already invested more than half a million dollars; but still he will not permit the State of New Jersey to receive one red cent.

Mr. DIRKSEN. No, Mr. President.

Mr. ROBERTSON. That is correct.

Mr. DIRKSEN. Mr. President, I am willing to up-end the cornucopia in behalf of New Jersey. The proposal has not been properly presented to my attention.

Our subcommittee has before it a hundred resolutions, every one of them of world-shaking importance, requiring careful consideration and due deliberation. The minority leader, in his feeble wisdom, and within the limitations of only 24 waking hours in the day that he can devote to this task, and including his service on the Committee on the Judiciary and the Committee on Interior and Insular Affairs and as minority leader—

Mr. CASE of New Jersey entered the Chamber.

Mr. ROBERTSON. Mr. President, George Washington once said, "Reinforcements have arrived." [Laughter.]

Mr. DIRKSEN. Mr. President, under the circumstances, when I am outnumbered, I ought to table the reinforcements, but I do not know how to do it under the Senate rules.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, while there is a lull in the proceedings, and there is nothing before the Senate for consideration, I move that the pending business be temporarily laid aside, and that the Senate resume consideration of the conference report on the migratory labor bill (H.R. 2010).

The motion was agreed to; and the Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. HUMPHREY. Mr. President, I shall have to suggest the absence of a quorum.

Mr. DIRKSEN. Mr. President, will the Senator withhold that suggestion for a moment?

Mr. HUMPHREY. Certainly.

Mr. DIRKSEN. First, Mr. President, let me respectfully inquire of the Chair as to the present status of the measure on the 300th anniversary of the birth of New Jersey and the George Washington Carver Memorial Commission.

The PRESIDING OFFICER. The Chair can inform the Senator from Illinois that the pending question is on agreeing to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to House bill 2010, the migratory labor bill.

The unfinished business is calendar 829, House bill 8383, to further amend section 201(i) of the Federal Civil Defense Act of 1950, as amended, and for other purposes.

Mr. DIRKSEN. Well, Mr. President, it is very undramatic, but I yield the floor. [Laughter.]

Mr. HUMPHREY. Mr. President, I withdraw my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The suggestion of the absence of a quorum is withdrawn.

The question is on agreeing to the conference report on the migratory labor bill (H.R. 2010).

Mr. HUMPHREY. Mr. President, I renew my suggestion of the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum is suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HUMPHREY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### ADJOURNMENT TO 10:30 A.M. TOMORROW

Mr. HUMPHREY. Mr. President, if there is no further business to come before the Senate at this time—and I notice that the Senate seems to be in a tranquil mood—I move at this time that the Senate adjourn until 10:30 a.m. tomorrow.

The motion was agreed to; and (at 8 o'clock and 2 minutes p.m.) the Senate adjourned, under the order previously entered, until tomorrow, Friday, September 22, 1961, at 10:30 o'clock a.m.

#### NOMINATIONS

Executive nominations received by the Senate September 21, 1961:

##### U.S. DISTRICT JUDGE

George Rosling, of New York, to be U.S. district judge of the eastern district of New York. (A new position.)

##### UNITED NATIONS

Dr. Ansley J. Coale, of New Jersey, to be the representative of the United States of America on the Population Commission of the Economic and Social Council of the United Nations, vice Kingsley Davis.

##### COLLECTORS OF CUSTOMS

Tennent L. Griffin, of Mobile Ala., to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Ala.

Roy L. Peterson, of Washington, to be collector of customs for customs collection district No. 30, with headquarters at Seattle, Wash.

##### DIRECTOR OF THE MINT

Eva B. Adams, of Nevada, to be Director of the Mint.

#### CONFIRMATIONS

Executive nominations confirmed by the Senate September 21, 1961:

##### U.S. CIRCUIT JUDGES

Delmas C. Hill, of Kansas, to be U.S. circuit judge for the 10th circuit.

Ben Cushing Duniway, of California, to be U.S. circuit judge for the 9th circuit.

Irving R. Kaufman, of New York, to be U.S. circuit judge for the 2d circuit.

##### U.S. ATTORNEYS

Merle M. McCurdy, of Ohio, to be U.S. attorney for the northern district of Ohio for the term of 4 years.

William Medford, of North Carolina, to be U.S. attorney for the western district of North Carolina for the term of 4 years.

William H. Murdock, of North Carolina, to be U.S. attorney for the middle district of North Carolina for the term of 4 years.

John W. Bonner, of Nevada, to be U.S. attorney for the district of Nevada for the term of 4 years.

Harry G. Camper, Jr., of West Virginia, to be U.S. attorney for the southern district of West Virginia for the term of 4 years.

##### U.S. DISTRICT JUDGES

Thomas J. MacBride, of California, to be U.S. district judge for the northern district of California.

Alfonso J. Zirpoli, of California, to be U.S. district judge for the northern district of California.

Hubert L. Will, of Illinois, to be U.S. district judge for the northern district of Illinois.

Alfred L. Luongo, of Pennsylvania, to be U.S. district judge for the eastern district of Pennsylvania.

S. Hugh Dillin, of Indiana, to be U.S. district judge for the southern district of Indiana.

Anthony T. Augelli, of New Jersey, to be U.S. district judge for the district of New Jersey.

Robert A. Ainsworth, Jr., of Louisiana, to be U.S. district judge for the eastern district of Louisiana.

Frank J. Battisti, of Ohio, to be U.S. district judge for the northern district of Ohio.

Martin Pence, of Hawaii, to be U.S. district judge for the district of Hawaii.

C. Nils Tavares, of Hawaii, to be U.S. district judge for the district of Hawaii.

Thomas F. Croake, of New York, to be U.S. district judge for the southern district of New York.

John F. Dooling, Jr., of New York, to be U.S. district judge for the eastern district of New York.

William E. Doyle, of Colorado, to be U.S. district judge for the district of Colorado.

##### U.S. AMBASSADOR

Charles W. Cole, of New York, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to Chile.

##### U.S. REGULAR AIR FORCE

###### To be lieutenant general

Maj. Gen. William H. Blanchard 1445A, Regular Air Force, to be assigned to positions of importance and responsibility designated by the President, in the rank indicated under the provisions of section 8066, title 10, of the United States Code.

To be senior Air Force member, Military Staff Committee, United Nations

Lt. Gen. Robert W. Burns 527A, Regular Air Force, as indicated under the provisions of section 711, title 10, of the United States Code.

###### To be lieutenant general

Lt. Gen. Roscoe C. Wilson 360A (major general, Regular Air Force), U.S. Air Force, to be placed on the retired list in the grade indicated under the provisions of section 8962, title 10, of the United States Code.

##### U.S. AIR FORCE

The following-named officers for temporary appointment in the U.S. Air Force under the provisions of chapter 839, title 10, of the United States Code.



*To be brigadier generals*

Col. William B. Campbell 2000A, Regular Air Force.

Col. Richard O. Hunziker 4164A, Regular Air Force.

Col. Larry A. Smith 19176A, Regular Air Force, Medical.

## POSTMASTERS

## ALABAMA

Raymond F. Lynn, Brewton.  
William F. Salter, Evergreen.  
Margaret E. Matthews, Gailion.

## ALASKA

Marjorie L. Sharnbroich, Wrangell.

## ARKANSAS

Lucille U. Mink, Bay.  
Cleveland L. Hodges, Earle.  
Mary E. Ingram, Hazen.  
Elizabeth A. Anderson, Monticello.  
Vivian R. Craig, Newark.  
John S. Buttry, Pea Ridge.

## CALIFORNIA

Carl C. Courtney, Alhambra.  
Charles W. Spencer, Aptos.  
Robert N. Kisner, Buena Park.  
John Santana, Cloverdale.  
Dolores L. Sprague, Fulton.  
Elbridge W. Skeahan, Grass Valley.  
Ruby M. Ambrosini, Korbelt.  
E. Howard Stinson, Lindsay.  
Leslie S. Brown, Monterey.  
Vernon G. Dingley, Montrey Park.  
H. Norman Green, Shell Beach.  
Richard T. Higgins, Truckee.  
Clifford J. Sorem, Ventura.

## FLORIDA

V. Paige Pinnell, Gainesville.  
Mabel J. Wolfe, Key Largo.  
Roy C. Arnold, Okeechobee.  
Clesteile W. Wadsworth, Wimauma.

## GEORGIA

James M. Groover, Boston.  
Lois B. Bryan, Brooklet.  
Fred H. Tanner, Commerce.  
Oscar M. Roberts, Donalsonville.  
Leonard E. Smith, Lyeray.  
Susie G. Ellington, Montrose.

## IDAHO

H. Kay Thatcher, Carey.  
Vern Chandler, Salmon.

## ILLINOIS

Harold H. Kiestler, Garden Prairie.  
Henry T. Verfurth, Morris.

## INDIANA

Clifford L. Shipman, Fowler.  
Dale E. Blackford, Tippecanoe.  
Howard K. Sundheimer, Wabash.  
S. Wayne Hillyer, Williamsport.

## IOWA

Leo W. Dodd, Conrad.  
Eleanora B. Sofranko, Lovilia.  
Joseph C. Chervenka, Tama.

## KANSAS

Donald E. Smith, Chetopa.  
Marion A. Kramer, Geneseo.  
James E. Wright, Moscow.  
Edna M. Dibble, Woodston.

## KENTUCKY

Sister Rose Emma Monaghan, Maple Mount.

## LOUISIANA

Ivy J. Miller, Church Point.  
Mary Jo McCutcheon, Clinton.  
Lonnie J. Cryer, De Quincy.

## MARYLAND

James E. Gault, Bishopville.  
Rebecca T. Groton, Glencoe.  
Charles I. Joy, Libertytown.  
William L. Harbstreet, Lutherville-Timonium.  
Sylvia L. Golden, Nanjemoy.

Elma K. Goodhand, Queenstown.  
Charles H. Ross, Smithsburg.  
George A. Fream, Taneytown.  
Maurice E. Murray, Woodsboro.

## MASSACHUSETTS

Irene F. Christian, Cataumet.  
Daniel N. McCarthy, Groton.  
Rita C. Nygard, Jefferson.  
James W. Griffen, Swansea.

## MICHIGAN

Victor Batt, Allen.  
Thomas A. Dowell, Battle Creek.  
James V. Baese, Elsie.  
Arlene B. Dolehanty, Gaines.  
Donald E. Fish, Grand Blanc.  
Peter V. Pini, Lake Linden.  
Eugene J. Jones, Mendon.  
Evar J. Villemure, Newberry.  
Leonard E. VanSickle, Prudenville.  
Richard L. Finkbeiner, Wayland.

## MINNESOTA

Arol D. Hansen, Askov.  
Oliver A. Herrick, Austin.  
Gerald J. Den Ouden, Edgerton.  
Ione A. Slattery, Kilkenny.  
Clayton C. Linn, Kimball.  
John G. Askew, Wadena.

## MISSISSIPPI

J. Kyle Lindsey, Booneville.  
John M. McGowan, Sr., Camden.  
Travis N. Holman, Tishomingo.

## MISSOURI

Clara A. Gibbs, Braggadocio.  
William B. Waggoner, Elsberry.  
Ward Dennis, Huntsville.  
Edgar G. Hinde, Jr., Independence.  
Robert L. Hurst, Rushville.

## MONTANA

Harry M. Halverson, Glasgow.  
Dorothy Lechner, Winifred.

## NEVADA

Ernest J. Arch, Reno.

## NEW HAMPSHIRE

Ada E. Widman, East Hampstead.

## NEW JERSEY

James E. Posten, Atlantic Highlands.  
Samuel H. Rifkin, Dutch Neck.  
Herman E. Gallaher, Sayreville.

## NORTH CAROLINA

Lester I. Carpenter, Belmont.  
Robert E. Williams, Black Mountain.  
Ralph L. Beshears, Boone.  
Belle Cable, Fontana Dam.  
Willis Q. Moore, Hayesville.  
Daniel A. Swindell, Robbins.  
Stanley L. West, Weaverville.

## NORTH DAKOTA

Michael A. Sperle, Kintyre.  
Donald A. Supler, Verona.

## OHIO

Erva L. Sibrel, Gypsum.  
Richard L. Rizer, Mount Victory.  
Kenneth W. Bailey, New Albany.  
Paul Sutch, Painesville.  
George G. Walters, Reynoldsburg.  
Harold M. Brown, Waverly.

## OKLAHOMA

Volney B. Howell, Fort Gibson.  
Billy L. Humphreys, Grandfield.  
Wendall D. Berry, Granite.  
Anna J. Stepp, Headrick.

## OREGON

Frederick L. Langston, Cottage Grove.  
Robert M. Buck, Lake Oswego.  
Gerald J. McGlinn, St. Helens.

## PENNSYLVANIA

John C. McCurdy, Adamsville.  
Howard V. Strasser, Albion.  
Joseph R. Walsh, Carbondale.  
W. Armour Fegely, Fleetwood.  
Joe S. Klapach, Strabane.

## PUERTO RICO

Pascasia Vidal-Chacon, Ensenada.

## RHODE ISLAND

Harry Kizirian, Providence.  
John E. Conley, Warren.

## SOUTH CAROLINA

Roland F. Wooten, Jr., Charleston.  
William O. Callahan, Columbia.

## SOUTH DAKOTA

Clyde M. Ross, Artesian.  
Vernon J. Connell, Cresbard.  
Duane E. Neumann, Groton.

## TENNESSEE

Hybernia C. McMillan, Charlotte.  
Edward A. Riordan, Dickson.  
Hazel E. Seward, Eads.  
Lucile J. Lovell, Hampshire.  
Guilford S. Ligon, Mount Pleasant.  
Beatrice W. Norris, Ramer.  
Raymond B. Gibson, Spring City.

## TEXAS

Clyde C. Crews, Alvord.  
Delbert C. Amos, Bellaire.  
Douglas Luck, Andrews.  
Anna S. Cutshall, Azle.  
Elvin C. Moehlman, Bryan.  
Thomas M. Yarrell, Belton.  
Laura B. Stringer, Buda.  
Malcolm O. Daugherty, Cherokee.  
Ernest Gregg, College Station.  
M. Forrest Brooks, Columbus.  
Russell W. Smith, Floresville.  
Erma B. Helwig, Fulshear.  
William E. Smith, George West.  
Evans D. Vineyard, Hermleigh.  
Lee M. Robertson, Lakeview.  
Easter L. Sikes, La Villa.  
Leslie L. Sanson, Leakey.  
Thomas F. Calhoun, Jr., Liberty.  
Henry N. Mullins, Malone.  
James H. Mecklin, Marfa.  
Willie Coker, Marquez.  
Irene F. Pfluger, Pflugerville.  
William C. Copeland, Purdon.  
Clyde Wright, Van Horn.  
Clyde D. Gamble, Wolforth.

## VERMONT

Esther L. Sweatt, Craftsbury Common.

## VIRGINIA

T. Coleman Musgrove, Bedford.  
Virginia L. Fowler, Burke.  
Walter R. Hines, Jonesville.  
William E. Doxey, Portsmouth.  
Willi R. Wilson, Raphine.  
Melvin S. Ralkes, Roanoke.

## WASHINGTON

Elizabeth L. Goodpaster, Hoodsport.  
Joseph Fosnick, Sumner.

## WEST VIRGINIA

Mary J. Hafer, Elkview.  
Robert H. Blackwood, Milton.  
Stanley A. Hehle, Parsons.  
Eugene Knowlton, Ravenswood.

## WISCONSIN

Lillian A. Newton, Augusta.  
Eugene B. Hopkins, Cumberland.

## WYOMING

Reginald J. O'Neill, Basin.

## IN THE NAVY AND MARINE CORPS

The nominations beginning Fayette C. Root, to be lieutenant in the Navy, and ending Joseph J. Wheeler, to be first lieutenant in the Marine Corps, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 8, 1961.

## IN THE NAVY

The nominations beginning Daniel W. Abercrombie III, to be captain, and ending Robert J. Zoeller, to be captain in the Navy, which nominations were received by the Senate and appeared in the CONGRESSIONAL RECORD on September 18, 1961.







# Digest of CONGRESSIONAL PROCEEDINGS

## OF INTEREST TO THE DEPARTMENT OF AGRICULTURE

OFFICE OF  
BUDGET AND FINANCE  
(For information only;  
should not be quoted  
or cited).

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For Highlights see page 8.

### HOUSE - SEPT. 22

1. PERSONNEL. Received the conference report on H. R. 7377, to increase the limitation on the number of supergrades and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized (H. Rept. 1261) (pp. 19618-23). Conferees had been appointed earlier in the day (p. 19561). The conferees agreed to salaries of \$19,000 for the heads of FHA, FS, SCS, and FCIC.

Agreed to the conference report on S. 739, to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee employees with past service purchase credit for such service within a two-year period from July 10, 1960, to modify the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund, and to provide for permanent indefinite appropriations for the retirement fund. p. 19575

Passed as reported H. R. 8798, to authorize payment of travel and transportation expenses to student trainees when assigned, with or without promotion, upon



completion of college work to positions for which there is determined by the Civil Service Commission to be a manpower shortage. pp. 19567-8

2. FORESTRY. Received from the President "a report prepared by the Department of Agriculture setting forth a development program for the national forests"; to Agriculture Committee. p. 19624
3. INFORMATION. Received from the Government Operations Committee the eleventh report on availability of information from Federal departments and agencies (H. Rept. 1257). p. 19625
4. TARIFFS. The Ways and Means Committee reported with amendments H. R. 6682, to provide for the exemption of fowling nets from duty (H. Rept. 1258). p. 19625
5. PURCHASING. Passed without amendment H. R. 8099, to remove the limitation on the maximum capital of the General Supply Fund, and (as reported) H. R. 8100, to allow GSA to charge to the consuming agencies the transportation cost of items of supply sent them by request. p. 19567
6. VIRGIN ISLANDS. Received the conference report on H. R. 4750, to increase the borrowing authority of the Virgin Islands Corporation (H. Rept. 1260). pp. 19606-7
7. TEXTILES. Rep. Hemphill inserted a number of articles on the problems of the textile industry and said, "As a Representative of a textile area, I insist that the Government of these United States holds to my people and to this industry a review of policy and cure the illness of the textile industry in the United States." pp. 19589-94
8. COTTON. Rep. McSween discussed the 1962 cotton outlook and said, "If we move in the direction of reduced acreage, restrictions, and high Government guaranteed prices, we will reverse this whole trend and cotton will become a sick and frustrated industry." pp. 19604-5

SENATE - SEPT. 22

9. FARM LABOR. Continued debate on H. R. 2010, the Mexican farm labor bill (pp. 19445, 19448-9, 19456-71, 19487-500, 19506-39). By a vote of 38 to 33, agreed to a motion by Sen. Jordan to table a motion by Sen. Keating to reconsider the vote by which the Senate declined to table the conference report on Thurs. (pp. 19488-9). By a vote of 43 to 30, agreed to a motion by Sen. Jordan to table a motion by Sen. Keating (for himself and Sen. McCarthy) to defer further consideration of the conference report until Friday, Jan. 19, 1962 (p. 19507).
10. WHEAT. Concurred in the House amendment to S. 1107, to continue the exemption on the production of durum wheat in portions of Modoc and Siskiyou Counties, Calif. (Tulelake area), from acreage allotments and marketing quota restrictions during 1962 and 1963. This bill will now be sent to the President. p. 19494
11. VIRGIN ISLANDS. Agreed to the conference report on H. R. 4750, to amend the Virgin Islands Corporation Act so as to increase the borrowing authority of the Corporation by \$4 million. p. 19526
12. FARM LOANS. Concurred in the House amendment to S. 1040, to abolish the Federal Farm Mortgage Corporation. This bill will now be sent to the President. p. 19495



that we can solve unemployment by engaging in extensive labor-training programs. Indeed, the Senate has passed a bill—quite a costly bill, but quite a necessary bill—to provide training in special skills for labor which is unemployed and cannot find work because it does not have skills which are in demand.

Congress has passed an area redevelopment bill. The distinguished senior Senator from Illinois [Mr. DOUGLAS] was a great pioneer in that field. His work finally came to fruition this year when the depressed areas bill was enacted.

The highway program and the housing program, both of which are expensive programs, have been justified, to some extent at least, not only on the ground that they provide services but that they put people to work. I am sure those programs would not have been nearly so extensive or expensive to the American taxpayer if we could not have argued that they are of great value to the unemployed.

When we bring in 400,000 Mexicans to compete with 1.4 million American farmworkers who are out of work, are we helping to solve our unemployment problem? It seems to me that one of the greatest blows the Senate could strike at unemployment in America would be to end this program. But we are not asking for that. That may be an extreme position. We are asking, however, that the program be sufficiently reformed so that it will comply with the recommendations of the President of the United States through his Secretary of Labor. It is a very modest request. We have watered down that request through the McCarthy amendment, by providing that when Mexican braceros come in, they shall be paid either 90 percent of the average farm wage in the State in which they are employed, or 90 percent of the national farm wage, whichever is lower. But even if the McCarthy amendment were rejected, many of us would be willing to consider the possibility of extending the program, even as it is, for even 1 year, as was done last year. Instead, it is proposed that the program be extended for 2 years.

Probably the greatest economic problem facing the American people today is the problem of unemployment. We certainly do not contribute to the solution of that problem by aggravating it through subsidizing the importation of 400,000 Mexicans to compete with farmworkers in this country who are out of work. The 1.4 million figure does not include nonagricultural workers. It includes only farmworkers in employment situations such as this.

The conference report provides the braceros an extensive field for competition. Whereas the Senate bill provided a strict limitation on the kind of work the braceros could do, the conference report modifies that provision by the following language:

And (2) modification of the provision relating to the use of Mexican workers to operate or maintain power-driven machinery so that this provision will apply only to power-driven, self-propelled harvesting, planting, or cultivating machinery.

There are a number of other jobs in competition with American workers in which the braceros are obviously free to compete.

At a time when underemployment in agriculture has reached the equivalent of 1.4 million fully unemployed persons, the employment of foreign workers in these jobs is a disgrace. This 1.4 million figure does not include nonagricultural workers; it includes only farmworkers. In an employment situation such as this, it is difficult to imagine by what set of mental gymnastics bracero-using growers can justify the employment of foreign workers in skilled occupations.

It is true that Public Law 78, as it is presently written, does not specifically limit the employment of Mexican labor to unskilled occupations, but it is our contention that it was the intent of Congress to so limit their employment. The use of Mexicans for skilled work reduces the opportunities of domestic farmworkers to advance from unskilled to higher paid skilled jobs and tends to lower the wage levels of domestic farmworkers employed in skilled occupations.

I wish to read from a number of documents which relate directly to this program. The first is from the senate factfinding committee on labor welfare of the State Senate of California. It bears a release date of June 19. Senator James A. Cobey, chairman of the senate factfinding committee on labor welfare, said:

Material gathered during a 2-year study shows that the controversial bracero program has resulted at times in detrimental effects to both domestic and seasonal farmworkers and farmers.

He went on to say:

The program was established to supply workers to farmers temporarily when their usual sources of seasonal labor were insufficient to meet harvest demands.

Some farmers have taken the path of least resistance and have given up their recruitment and utilization of domestic workers. They are not always dependent on foreign labor. Most recently Mexican interests postponed again any concerted effort to employ legal restraints to migratory workers.

I should say the junior Senator from New York [Mr. KEATING] and his senior colleague [Mr. JAVITS], who have been making such a fine fight on this issue, submitted an amendment to provide protection for our domestic migrant agricultural workers and at least put them on the same basis as the braceros.

I should like to point out some of the abuses which have been suffered because of the Mexican farm labor importation program. The fact is that this law hurts the poorest of the poor in our society—the domestic migratory farmworkers. Some 315,000 Mexican farmworkers—known as braceros—were imported under Public Law 78 in 1959. This importation results in a surplus of cheap labor, so that wages and working conditions can be kept at substandard levels on corporation farms. On some crops, Mexicans do virtually 100 percent of the work. American farmworkers can expect an

average of only 138 days of employment a year. Farm wages run as low as 30 cents an hour, and in some areas where Mexicans are used in great numbers, wages have actually declined in recent years. Average income for farmworkers was \$829 for all of 1959.

Earlier I indicated that the bracero program not only has a general effect in keeping down the wages of domestic farmworkers, but it has a very specific effect in the areas where the braceros are employed. These are the particular areas where wages have remained stationary, or in some cases have declined, whereas in other areas, where braceros are not employed, the Department of Agriculture was able to show that farm wages have increased consistently. This is especially contradictory in view of the fact that the only justification for the program is supposed to be the labor shortage. In a labor shortage area wages should be increasing, not decreasing.

Mr. ANDERSON. Mr. President, will the Senator from Wisconsin yield?

The PRESIDING OFFICER (Mr. HART in the chair). Does the Senator from Wisconsin yield to the Senator from New Mexico?

Mr. PROXMIRE. I am happy to yield.

Mr. ANDERSON. Will the Senator list some of the States where the average wage is 30 cents?

Mr. PROXMIRE. I have tried to be as careful as I can in stating the wages. I have said that the average wage has been 30 cents in some parts of Arkansas.

Mr. ANDERSON. For bracero labor?

Mr. PROXMIRE. Oh, no, because it has to be 50 cents, under the agreements.

Mr. ANDERSON. But the Senator from Wisconsin just got through saying that the wages were 30 cents—unless he changes the RECORD. Will he name a State in which it is 30 cents?

Mr. PROXMIRE. I have said that farm wages run as low as 30 cents an hour, and in some areas where Mexicans are used in great numbers wages have actually declined in recent years.

Mr. ANDERSON. Does the Senator from Wisconsin contend that Arkansas is a large user of bracero labor?

Mr. PROXMIRE. Oh, I may say that one county in Arkansas—Mississippi County—has used 11,000 of them; and Mississippi County is in an area where wages of the domestic workers average as low as 30 or 35 cents an hour.

Mr. ANDERSON. I have been listening to the Senator from Wisconsin. At one time, I administered a program of trying to find labor. Does the Senator from Wisconsin hope to defeat this measure, or does he desire to defeat it—I shall put it that way—regardless of his hope?

Mr. PROXMIRE. My desire is to amend and correct this measure, so as to bring it in line with the recommendations of the President, through his Secretary of Labor. My position is that under present conditions we shall have a far better chance of doing so if the bill is put over until January. Of course, what we really would like to do is have the conferees return to a further con-



ference and there state that the Senate insists on their fighting for the inclusion of the McCarthy amendment.

Mr. ANDERSON. I know the Senator from Wisconsin believes in majority rule. But is not he actually suggesting that he wants a return to the importation of wetbacks?

Mr. PROXMIRE. Oh, no; that is illegal.

Mr. ANDERSON. What else would result from his position? Nothing else.

Mr. PROXMIRE. Of course not. There is no reason why the producers in New Mexico, Arkansas, and Texas should violate the law by recruiting Mexicans to come across the border illegally to work in this country. I think the law should be strictly enforced.

Mr. ANDERSON. Does the Senator from Wisconsin believe that the only way wetbacks come into the United States is by recruitment?

Mr. PROXMIRE. Of course not.

Mr. ANDERSON. They swarm across the border; they look for opportunities to obtain employment. And the Senator from Wisconsin wants that to continue. I think it will be terrible if it continues.

Mr. PROXMIRE. I think (a) they should be sent back, and (b) we certainly should not legalize the wetback system or give it approval by action of the U.S. Senate. I do not think there will be anything like the competition from illegally entered aliens that there is at the present time under Public Law 78.

Mr. ANDERSON. I can only say to the Senator from Wisconsin that he is arguing exactly on the side of all the large users of bracero labor in my part of the country. All of them have been sending to me telegrams in which they urge that I vote against the conference report. Why? Because they want to use the wetbacks.

Mr. PROXMIRE. Oh, no; the reason they want the conference report defeated is that they think they can get everything they want, and they want an opportunity for the braceros to be allowed to operate farm machinery, without any limitations. But the bill provides at least a small limitation. It does not satisfy me, at all; but the conferees' modification of the bill provides that the use of Mexican workers to operate self-propelled harvesting or cultivating machinery shall be prohibited, although the big employers want to use them for that purpose.

Mr. ANDERSON. I wish to say that I found a spot or two where braceros were used in such employment, and I joined with the employment agency in our State in seeing that that was stopped; and today it cannot be done.

But when they get wetbacks, they can do it; and I am sorry to see an effort being made to bring in wetbacks again. We fought for years against that.

I do not say these workers now are paid all that they should be paid; but at least they are paid 90 percent of the prevailing wage, and they cannot be imported until the U.S. Employment Service certifies that there is an absolute shortage of workers. Does the Senator

from Wisconsin indict the U.S. Employment Service?

Mr. PROXMIRE. As I have already said, the U.S. Employment Service has no choice, because the shortage of workers in that area can be determined very well by associations of producers. After all, if the wages are driven down low enough—as has been done—certainly an adequate supply of domestic workers cannot be obtained when wages of 35, 50, 60, or 75 cents an hour are offered. A family cannot possibly be supported on such a wage. It is inhumane to expect people to do this difficult toil for such pitifully inadequate wages.

But I say that the solution of the problem is not to bring in 350,000 or 400,000 Mexican workers—or whatever the total is. The solution is to let the law of supply and demand operate, and pay them decent wages, as is done in Washington, Oregon, and many other States.

Mr. ANDERSON. And build up a wetback program.

Mr. PROXMIRE. Oh, no.

Mr. ANDERSON. That is all the Senator from Wisconsin is contending for, as I see it.

Mr. PROXMIRE. It seems that the Senator from New Mexico is in the position of arguing that we should legalize theft, and organize it, so it is somewhat limited in its impact on its victims, because if we do not, we create an invitation for other people to steal, because many thieves are not caught. The reasoning of the Senator from New Mexico is, it seems to me, very, very tortured. I can see no connection between saying we should vote for the passage of a proposed law which is bad public policy and militates, in my judgment, against the taxpayers, as well as against the overwhelming majority of the American farmers and farmworkers—on the ground that if that law is not enacted, people will steal anyway.

Mr. ANDERSON. I now understand that the Senator from Wisconsin probably would be for prohibition, but it did not work. When this law is abolished, the Senator knows, or he must know if he has had any experience with it, we shall have wetbacks. The difference between us is that I opened up the unemployment service in New Mexico in 1936, when we established unemployment compensation benefits and put certain agencies under it. I administered the program for a while as Secretary of Agriculture. I have watched it for a long period of years in that part of the country, and I believe I know what I am talking about. The greatest thing the Senator can do for the depression of farm labor is defeat this legislation and let them go back to the wetbacks.

Mr. PROXMIRE. The position of the Senator from Wisconsin is very clear. It is that in this legislation we must provide adequate protection for the domestic migratory workers so that they will not be under unfair competition. Then I would be willing to approve and support an extension of the program. If we cannot provide that protection, we are legalizing a wetback system, whether

the workers are brought into this country through cooperation with the Government under Public Law 78 or whether the immigration laws are not enforced. There is the same devastating effect on American workers. The way to answer that problem is to enforce the law. I can see no reason why we cannot enforce this kind of law. I have seen our Immigration and Naturalization Service do it before.

Mr. ANDERSON. I do not know when the Senator has seen the law enforced, but I have seen wetbacks swim the river night after night. No agency was herding them across. They were looking for employment. They got it. They receive far better employment under far better conditions under Public Law 78. I do not understand why the Senator wants to go back to the old conditions.

Mr. PROXMIRE. The law can be enforced not only by more adequate controls, but by sending the wetbacks back, and by punishing the producers who violate the law by hiring them. Any number of things could be done to make the law effective. Because the law has been violated before, it makes no sense to say we must keep agricultural workers in a submerged condition where they receive pitifully low wages—and especially when there are 1,100,000 agricultural workers out of employment.

Mr. ANDERSON. Can the Senator get some of those agricultural workers down to our part of the country? The Employment Service in our area certifies steadily that it cannot find such workers. The Senator from Wisconsin seems to be doubting these people, who are honest people, when they say there is an absence of agricultural workers. He thinks they are lying. I do not think they are. I think he ought to go down there and say that to them. He will get a vigorous answer.

Mr. PROXMIRE. There is no question but that those people are honest and mean what they say, but what they are saying is that Americans cannot be found who are willing to do this hard work for 50 or 60 cents an hour. I say we should not be able to find American workers who are willing to do that work at such low wages. If they are paid enough, workers will be found, as has proved to be the case in other States.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CARROLL. Both the Senator from New Mexico and the Senator from Wisconsin are absolutely correct, considering the premise upon which they are proceeding. Many years ago, as the able Senator from New Mexico knows, before we had the benefit of what we call the Mexican nationals contract, the wetbacks swam the Rio Grande. They swam the Rio Grande because certain of our employers—I will not mention the industry by name; it was agricultural—used the loud speaker system to draw them across the Rio Grande. That is why they were called wetbacks. They came into New Mexico, Texas, and Colorado. They were used in our agricul-



tural industry for a few months, and then fell back upon our communities. We took care of them the whole winter, in the early days, before we had any law.

Let us see what has happened in the intervening years. As the able Senator from New Mexico has said, as a result of the intelligent, progressive legislation by both State and National Governments, we have sought to protect the people who came into this country. We do not need wetbacks any more. We now negotiate with the Mexican National Government.

Let me say to the Senator from Wisconsin that I have voted for every amendment of the Senator from Minnesota [Mr. McCARTHY]. Why? I shall come to that point later. I remember one time when I had a very short sojourn of 3 months with President Truman. The same problem arose. President Truman took the firm position that we ought to have better contracts with Mexican nations, for the benefit of human beings. I am sure the Senator from Wisconsin is talking about people, and not solely economic issues. By the same token, the Senator from New Mexico has said that, from years of experience, this is what we have tried to evolve in a gradual program. This is not the sole answer.

The American Federation of Labor and economists are saying this. The law involves Mexican nationals. It may be that there are other States than those I mentioned which are affected. This is not the complete answer to the problem. What about the great area of the American people who are doing stoop labor? Do they compete with Mexican nationals? I think that is what the able Senator from Wisconsin is talking about this evening. I think it is why the able Senator from New Mexico was discussing his amendment.

In the State of Colorado, which borders the great sister State of New Mexico, we have these problems. We need Mexican nationals because we have seasonal crops. We have potatoes, fruit, lettuce, and cantaloups. We still have not solved all our problems. We have not solved housing and health problems to the satisfaction of the people of Colorado, but we are taking steps forward. We took great steps forward under the administration of Franklin D. Roosevelt. Subsidies were created to establish housing programs for migrant workers which have been abandoned for almost 20 years. Now the Mexican Government says to this country, "Before you take a contract, show me how you are going to treat my nationals. Show me the health conditions, the water conditions, and the housing conditions. Show me what wages you are going to pay."

The Mexican Government is doing a pretty good job of negotiating. Who is not doing a good job? The American Government is not doing the necessary job for its own American citizens.

Mr. PROXMIRE. I could not agree with the Senator from Colorado more.

Mr. CARROLL. This is the issue to which the able Senator from Wisconsin is directing his remarks.

I listened to the discussion with my friend, the Senator from New Mexico. Suppose we fail to realize our ideal or our objective? Suppose we fail to realize the objective sought by the proposed legislation?

New Mexico and southern Colorado and the areas of seasonal production need the Mexican nationals. We should listen to the Senator from New Mexico. We do not have the necessary stoop labor. I use that term. We do not have the stoop labor necessary to bring the produce from the land. The farmers in our area are very poor. Their income is very low. Whole communities subsist from one cash crop. It may be potatoes. It may be cantaloups. It may be a fruit.

Who lives upon this production? Many people of the southern tier of counties of Colorado are Spanish-American people who came from Mexico one or two generations ago, through Texas, and through New Mexico, into southern Colorado. If they do not have this work they will have nothing.

In principle the able Senator from Wisconsin is entirely correct. This is why I supported the McCarthy amendment. I think it would establish a principle. It is a symbol to which I would adhere. I believe in it.

In the final analysis, to say that we should have no legislation would be destructive to the economic well being of my own people. Thousands of Spanish-American people live under substandard conditions. They receive substandard wages. The answer, however, is not to do nothing. We should do something.

I commend the able Senator from Wisconsin for his effort this evening. Whatever he does and whatever the Senate does, I shall remember the words of President Truman almost 10 years ago. There has been little progress in 10 years. We keep fighting. Perhaps next year we shall move forward. The next year we may move forward further.

The Senator from Wisconsin has been very patient. I remember not so many years ago when American citizens—not Mexican nationals—were brought in trucks all the way from Texas into southern Colorado. There would be a truckload of people, not seated, but standing, like cattle, in the truck. The truck driver might drive for 24 hours and then suddenly fall asleep, and there would be a slaughter on the highway.

I appeared before the Interstate Commerce Commission and asked the Commission to impose regulations upon the interstate transportation of people. I asked the Commission to give people the same consideration they gave hogs, sheep, and cattle moved interstate. We now have certain regulations in Colorado. We are far behind some of the other States. I do not know what New Mexico has done. It all takes time.

I said to the Interstate Commerce Commission, "You should put some insurance on the trips. If you put a value on people, as you do on cattle, sheep, and hogs, the insurance companies will take care of the problem."

It takes a long period of time.

I commend the Senator from Wisconsin. I know that his principle is correct. His fight is a proper one. However, we must not do anything to obstruct the passage of the proposed legislation, which is vitally necessary.

I thank the Senator for yielding.

Mr. PROXMIRE. In the first place, I agree that we should pass improved legislation. However, I feel that the Secretary of Labor, who has analyzed the problem very thoroughly and carefully, is correct in saying that if we postpone consideration to a day certain in January, though the law would die on December 31, only 10 or 15 days would elapse in which the law would not be effective. It is the judgment of the Secretary, after carefully analyzing the problem, that the impact on American farmers and farm producers would be—and this is the word he used—negligible.

I feel we should do something, and do something now. There are a number of things on which the Senator from Colorado and the Senator from Wisconsin agree. I think the Senate conferees should go back to conference and insist on the McCarthy amendment.

If we cannot do that—if we cannot have the McCarthy amendment—then we should have the other provisions in the bill the Senate Committee on Agriculture and Forestry presented to the Senate. They are important provisions for protection of minimum wages for the braceros, to protect our own people against competition.

It seems to me that postponement of consideration of this problem until next year would be sensible. We are willing to bargain further. I would at least like to see the program continued, not for 2 years, but for only 1 year. Last year the program was extended for 1 year. This year the bill calls for a 2-year extension. The more often the proposal comes before the Senate the more opportunity there will be for reform in the law.

I ask the Senator from Colorado and the Senator from New Mexico for help in this regard.

It has been charged that if the program were abolished it would encourage a great increase in "wetbacks." That has been the assertion of the Senator from New Mexico, and the Senator from Colorado has confirmed it.

I ask the Senator from New Mexico, a former Secretary of Agriculture, who is one of the most brilliant men in the country, and who is very experienced in this field, if he can tell me how many "wetbacks" there were and if there is any authoritative or reliable estimate to indicate how many there would be if this program lapses? Or whether more wetbacks would come into the United States than there are braceros who come into the United States legally?

Mr. ANDERSON. I know of no one who kept track of illegal importation. That is like asking, "How much 'boot-leg' whisky was drunk in the United States?" It was too much, but nobody knew how much it was.

I can only say that there were thousands of "wetbacks." I have seen a thou-



sand of them at one time shoved back across the border.

There was a limited number of enforcement officers at El Paso. When President Truman came to the Southwest in 1948, I was on his special train. We talked to him at El Paso. He had been critical of some things concerning the bracero labor. I loved President Truman. I love him today. I wished to have him understand the situation. To give him firsthand information, we brought in men from the customs office. We put them inside his private car, so that he could ask them if they could enforce the legislation against "wetbacks." They all told him it was impossible.

A great many of the people who live on one side of the Rio Grande look a little like the people who live on the other side of the Rio Grande. They speak English. They get along very well. They remember where they are supposed to live. They have lived in old Mexico, or in some other place. It is pretty hard to prove they are "wetbacks." That takes time. Nobody knows exactly how many "wetbacks" there were, but the number was sufficient to do all the work necessary in stoop labor.

What happened when the Mexican Government made its contracts? As the Senator from Colorado carefully pointed out, the U.S. Government insisted that decent dwellings be provided for these people. I know the Senator from Wisconsin will not deny that. The Senator from Colorado and I know it is so.

The Government insisted upon a decent supply of drinking water. At one time, the Government insisted upon medical attention, and life insurance policies. They were only small life insurance policies, to be sure, for only \$1,000, but no one had had that sort of protection before.

I have seen people from northern New Mexico go by the truckload into the sugarbeet fields of Colorado, there to be employed as families, not as individuals. Now the Mexican Government contracts and specifies who shall work and who shall not work.

I suggest to the Senator from Wisconsin, on whom I know I am making no impression, that an ounce of experience is sometimes worth quite a little of theory. I have seen the situation change with reference to the employment of agricultural labor. Many people who grow cotton in my State do not make bracero contracts because they cannot afford bracero labor.

The labor is higher priced than domestic labor.

If the Senator succeeds in his ambition to put the question over until January, the people in my part of the country, up and down the Rio Grande, who want to get wetbacks will be glad to tender a banquet to him and hail him as a conquering hero. That would be the worst thing that could happen.

The standard of living of braceros has been raised, largely with the assistance of President Truman in consultation with President Aleman. They established decent standards and tried to live up to them.

Mr. PROXMIRE. Can the Senator from New Mexico inform the Senator from Wisconsin and the Senate how the conference report would prevent the large producers, who the Senator from New Mexico says are eager to get wetbacks, from bringing them in? The conference report would not increase the number of immigration and naturalization enforcement officers. It would not provide any change in the law in that respect. Why can they not go ahead and do what they did before?

Mr. ANDERSON. I did not say they were eager to get wetbacks.

Mr. PROXMIRE. The Senator said that the people along the Rio Grande would tender me a big banquet if I could defeat the program.

Mr. ANDERSON. I said that so long as the present law is on the books, the Mexican Government will stop the wetbacks from crossing the border. I have seen representatives of the Mexican Government standing on the beach between Juarez and El Paso to make sure that the people getting on the streetcars were not coming over to engage in agricultural labor in the United States. I have seen them lining the banks of the river to make sure that their citizens did not come to the United States. It has been the policy of the Mexican Government to make the braceros come in under contracts legally executed with the United States. If we abolish the right of the Mexican Government to make such contracts, the people affected will have no place to turn.

Mr. PROXMIRE. Is it the position of the Senator from New Mexico that if, in order to get better terms and wages for the Mexican nationals, the Senate should postpone action on the conference report until 10 or 15 days after the first of the year, the Mexican Government would then change its program and not prevent Mexican nationals from coming into this country?

It seems to me they would do all they could to assist their own citizens.

Mr. ANDERSON. I realize that it seems that way to the Senator from Wisconsin, but it does not seem that way to people who know the opposite situation.

Mr. PROXMIRE. Why not?

Mr. ANDERSON. Because we have watched what has happened. We have lived through it.

Mr. PROXMIRE. On page 8 of the committee's report—not the conference report—is a list of the States in which Mexican nationals were employed last year. I noticed that more than 1,000 were employed in the State of Wisconsin.

I can tell the Senator that those 1,000 braceros, or Mexican nationals, could not possibly have been employed if they were illegally in the State of Wisconsin. I know where they are employed. I know the towns in which they are employed. I know that in town after town it would be virtually impossible in Wisconsin to live very long without the authorities knowing that wetbacks are there.

We have a very law-abiding State. I am sure that the Senator from New Mexico has, too. But we would not stand for this kind of thing if those people

were there illegally. There might conceivably be one or two of them who would get through. But we would not get 1,000.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. ANDERSON. What would the people of Wisconsin do if those 1,000 people were needed?

Mr. PROXMIRE. We would send them right back. They would be in Wisconsin illegally.

Mr. ANDERSON. Not illegally.

Mr. PROXMIRE. As wetbacks.

Mr. ANDERSON. Those 1,000 Mexican nationals who are now in Wisconsin are there because an official of the State of Wisconsin and the Public Health Service said they were needed.

Mr. PROXMIRE. Oh, indeed.

Mr. ANDERSON. Do I correctly understand the Senator from Wisconsin to say that he would be happy to let the contract go by the board and not allow those people to come in when they are needed?

Mr. PROXMIRE. No; the Senator from Wisconsin has never made that statement.

What the Senator from Wisconsin has said over and over again is that the bill should provide an improvement. The Kennedy administration has said that unless there is reform and improvement in the proposed legislation, it should not be enacted. That is exactly the position of the Senator from Wisconsin. I would not be happy to see the program end. I say it should be continued, but it should be improved. I say that if it were ended, there would be no tremendous disaster, because even in my State, if our people are willing to pay high enough wages, we could find 1,000 people who would take the positions which would be available. No wetbacks could remain there under those conditions.

Mr. ANDERSON. If what the Senator from Wisconsin has said is true, the person who certified the braceros should be removed from his job. I am surprised that the Senator from Wisconsin has allowed them to remain there.

Mr. PROXMIRE. The person who certified the workers has acted correctly. The fact is that the prevailing wage in Wisconsin, and throughout the Nation—because, of course, we have national competition in the commodities that are purchased—is such that we cannot employ American citizens to do that kind of work at that particular wage.

Mr. ANDERSON. The Senator has said that it is all right in Wisconsin but wrong in Texas.

Mr. PROXMIRE. It is not all right in Texas.

Mr. ANDERSON. I thought the Senator said it was. Does the Senator disapprove of it?

Mr. PROXMIRE. I disapprove of continuing the program unless it is improved as recommended by the administration. If it is not improved in that way, I say we are better off without it. The Senator from New Mexico has probably got the Senator from Wisconsin off the point, which is that the wetbacks



could not possibly continue to be employed in Wisconsin, because I am sure that 1,000 illegal wetbacks from Mexico could not work in Wisconsin for any period of time without being discovered and sent back. I am sure if that were true in Wisconsin, it would also be true in Wyoming, Georgia, Nebraska, Montana, Colorado, and Michigan, which employs 11,000, and in a number of other States.

It may be a real problem in Texas, which is directly on the border. As the Senator from Texas has so well pointed out, many Mexican-Americans work there.

Mr. ANDERSON. I agree with the Senator from Wisconsin. The problem will be great on the border, and would include the States of Texas, New Mexico, California and Arizona. There it would be a difficult problem.

I think we are far better off with the present program and the progress we have thus far made. I am only trying to point out to the Senator from Wisconsin that, of course, he did not get all he wanted in the bill. In the past 12 years, other proposed legislation related to agriculture has been before the Senate. I did not approve of a great deal of it. Two or three times I made motions on the floor to strike out some price level provision and to substitute another provision. Some of those motions carried, and the bill would go to conference and come back without the amendment for which I had fought.

I did not try to take away from the American farmer what little good he got out of the bill by standing up and trying to kill the bill, saying that if we held off further action for 4 or 5 years we would get a better bill for the farmer.

I say to the Senator from Wisconsin that, having lost his point, he would do a disservice to the farmers by saying, "Let us postpone action until January, and return to the wetback system."

Mr. PROXMIRE. Let us come to the wetback system. I was about to quote a man who is probably the outstanding authority on immigration questions in this country. He is Gen. J. M. Swing, Commissioner of Immigration and Naturalization Service, U.S. Department of Agriculture. What did he say? He said in a letter that he sent to the Senator from Minnesota [Mr. McCARTHY], dated February 8, as follows:

In response to your first question, the Service does not believe that the enactment of Public Law 78 brought about a significant reduction of illegal wetback entries. From the attached table, it will be observed that for at least 3 years following enactment of the law, the apprehension of wetbacks rose appreciably to the alltime high of over 1 million in the year ending June 30, 1954.

He went on to document his position. He presented a series of tables which indicated very clearly that his position is correct.

Mr. ANDERSON. I can only say to the Senator from Wisconsin that if he is satisfied that General Swing is an expert, I am not.

Mr. PROXMIRE. I am talking about the wetback situation.

Mr. ANDERSON. He is a former friend of a distinguished American who,

lacking any other form of employment, was sent down to the border to take care of charges that were made. He made several trips into Mexico in the form of fancy hunting expeditions, equipped with American airplanes. He probably found out all about the wetback situation.

Mr. PROXMIRE. I ask the Senator to give me the name of one who is more of an authority on the question of the violation of immigration laws than the Commissioner of Immigration.

Mr. CARROLL. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. CARROLL. The discussion between the Senator from New Mexico and the Senator from Wisconsin has been very important. No one can misconstrue the position of the able Senator from Wisconsin, with which in principle I thoroughly agree. I voted for all the McCarthy amendments.

What we are seeking to do is to see that when Mexican nationals come into this country, first, that they have a wage scale that is commensurate with their work, so that their presence would not interfere with American labor. If I understand correctly one point of the Senator from Wisconsin, we have American labor who can do the same work. I am thinking of my own State of Colorado. On the other hand, this question reminds me of the Attorney General who can give an opinion on each side. I ask the able Senator from New Mexico to pay attention to what I am about to say.

I do not quite agree that if consideration of the conference report is postponed for a little time the wetbacks will flood over the Rio Grande. The able Senator from New Mexico [Mr. ANDERSON] has spelled this out quite clearly. He is giving the history of what was done some 25 or 30 years ago. This used to be the practice. In my State groups of people went to the Rio Grande with loud speakers and enticed Mexicans to swim across the river. We do not want any more wetbacks in this country. When a wetback comes into the country illegally, not only does he not get his pay, but he is threatened with jail. We want no more of that. What we want is a better contract with the Mexican nationals. Why? We do not want Mexican nationals to come in with a low salaried contract of any kind as compared with the wage that American farm laborers get. Does not the Senator agree with that?

Mr. PROXMIRE. I agree. That is one of the arguments that the Senator from Wisconsin is making.

Mr. CARROLL. The other question is one which I have not thoroughly understood. Are the Secretary of Labor and the President now advocating that, unless the McCarthy amendment is included that the bill should go over until next year?

Mr. PROXMIRE. No; as usual the administration has not been that specific. I believe the President would be in error if he indicated on what grounds he would veto the bill. He has not done so. No President has done that in the past.

Mr. CARROLL. I am not talking about a veto.

Mr. PROXMIRE. He has not indicated that it should go over until next year. It has been indicated that unless there is a significant reform in Public Law 78, and unless it is improved, the program should not be continued. In other words, they feel that a simple extension of the existing law is not enough. This is the only point I make.

It is my contention that the conference report represents substantially the House position. The House accepted three technical changes which were in the Senate amendments.

The report provided for a modest—a too modest—provision with respect to the kind of work braceros can do. Except for that, it did nothing to provide any improvement whatever with respect to the minimum wage to be paid braceros. This, it seems to me, is the crux of any substantial and significant reform in the Mexican labor program.

Mr. CARROLL. Since the conference has there been any communications from the administration as to its position on the bill as reported?

Mr. PROXMIRE. Not to my knowledge.

Mr. CARROLL. Does not the Senator agree with me entirely in principle? In every vote I have cast I have reflected this principle, in entire agreement with the Senator's position on this subject. In view of the fact that there has been silence on the part of the Secretary of Labor and the administration, how can we justify postponing consideration? If the position is not clear in the latter part of September, how do we know what the situation will be in January?

Mr. PROXMIRE. There has not been silence on the part of the Secretary of Labor. He wrote a letter to the Senator from Minnesota [Mr. McCARTHY], in which he clearly said that no significant damage would be done if the program were postponed until next year.

Mr. CARROLL. What was the date of that letter?

Mr. PROXMIRE. Unfortunately, as so often happens, the material I have been using and have incorporated in the RECORD is now being processed.

Mr. CARROLL. Is the date of the letter subsequent to the conference?

Mr. PROXMIRE. I believe not. The conference was held at an extremely recent date. I believe it recognized the kind of situation that could develop in the conference. It was responsive to such a situation.

Mr. CARROLL. I hope, therefore, there will be no vote on this question this evening, in view of the remarks of the able Senator from Wisconsin. We should have a clear statement from the administration. This is their responsibility, not ours alone. Let them speak. If we can get a letter here in the morning, by 10 o'clock or 11 o'clock, and not have a vote on the question this evening, we shall find out if there would be any damage, in their opinion. They have the experts. They have the staff. If they want this program to go over until next year, let them say so. Does the Senator agree?



Mr. PROXMIRE. Of course we are a legislative body. We should reach our own conclusions.

Mr. CARROLL. We would be legislating on what?

Mr. PROXMIRE. I agree wholeheartedly with the Senator from Colorado that the vote should go over.

Word from the White House would be helpful. The Senator from Wisconsin is somewhat reluctant to demand or insist that action not be taken without word from the White House on the proposed legislation. The Senator's point is very well taken.

Mr. CARROLL. Does not the Senator agree that each of us has only a small staff, and that this problem is within the jurisdiction of the Department of Labor? The Secretary of Labor has a large force. They know what goes on in each State. If this contract is not injurious to the agricultural sector, or the labor sector, we should have that information. We cannot know this individually, although I agree entirely in principle with the able Senator from Wisconsin. However, I believe that in the interest of logic, clarity, intelligence, and proper legislation action, this question could go over.

We can decide this question in 1 hour in the morning. Why must we say we will do this because we are a legislative body, and merely because of that? We legislate upon the basis of intelligence, knowledge, and facts. No member of this body today knows what the effect would be if ratification of a contract with Mexico were delayed with respect to the people coming into our area.

Mr. PROXMIRE. I have the letter in front of me now. It has no date on it. It might have been more recent than I indicated. Let me read the first and last paragraphs. I believe they indicate a little more specifically, at least, what the answer might be. This is from Secretary Arthur Goldberg. He says:

I have given considerable thought to your inquiry as to the harm that might be caused to the agricultural community, or to individual growers, if the Congress failed to enact an extension of the Mexican labor program (Public Law 78) at this session. I recognize that at this juncture when consideration of some vitally important legislation is being deferred until next year, such deferral of Public Law 78 enactment is not out of the question.

Then he deals at considerable length with the substance, and he summarizes—

Mr. CARROLL. Would the Senator say that the Secretary wants some other things included in the bill? Have I been denied that information?

Mr. PROXMIRE. He indicates what the effect would be on the growers, and what the effect would be on the farmers, if this program should go over and not be enacted, and what the effect would be on his department. His department must administer the program. He points out that in January and February there is no shortage of agricultural labor. This is not a period of great shortage, although there is some need for labor in Texas and Florida.

Mr. CARROLL. And perhaps southern Colorado.

Mr. PROXMIRE. In January and February?

Mr. CARROLL. I am talking about now.

Mr. PROXMIRE. I am discussing what the situation would be if the bill were to go over and not be enacted into law until, say, the 15th of January or the 20th of January. It would be in effect until December 31. This situation was dealt with by the Secretary of Labor. He concludes by saying:

These various considerations suggest that damage to the farm economy or to individual farmers, if enactment of a Public Law 78 extension were deferred to next year, would be negligible. The anticipated adverse effect upon the Department's staff and upon its operational efficiency, however, are sufficient to lead me to suggest that deferral should take place only if acceptable modifications cannot be achieved at this session.

It is the position of the Senator from Wisconsin, on the basis of the analysis of the conference report, that acceptable and significant modifications have not been made in the legislation. Therefore, it is my conclusion, even though there might be some adverse effect upon the department staff in its operational efficiency, that it would be worth the cost, because there is no significant effect—the adjective used by the Secretary of Labor is “negligible”—on the farm economy of America.

Mr. CARROLL. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. CARROLL. I am sure the Senator from Wisconsin will permit the junior Senator from Colorado to have an expression of opinion. As I have said, I agree to the philosophy and the great statesmanship of the able Senator from Wisconsin. But if I read the letter of Secretary Goldberg to the people of Colorado, they would laugh me out of the southern part of the State, because he said there would be—as I remember the words—“no significant impact.”

Mr. PROXMIRE. He said the impact would be negligible.

Mr. CARROLL. He said the impact on the livelihood of a small segment of people would be negligible. I am glad to say there is no longer any stoop labor in that area. I am sorry that it is necessary to depend on some Mexican nationals for some labor.

Mr. PROXMIRE. In all fairness to the Secretary of Labor, what he is saying is that if the bill goes over, there would be a short period in January when the law would not be in effect. That period would not adversely affect the growers, because that period is not a period when a large amount of farm labor is needed. The Department only administers the program when Mexicans are in this country in significant numbers.

If we add 15 days in October or September or July, or in any of the many months of the year when Mexicans are working, then the absence of the law would have a significant effect. But the Secretary is referring only to the short period in January when the law would not be in effect.

I do not believe the Senator from Colorado can argue that this provision

would inconvenience, let alone damage, the farmers of southern Colorado, because I doubt very much if there would be a single bracero in Colorado—well, perhaps there might be one from January 1 to January 25 but there would not be many more.

Mr. CARROLL. They would be frozen at that time.

Mr. PROXMIRE. It is the period between the 1st and the 15th or 20th of January about which the Secretary of Labor is talking.

Mr. CARROLL. I understand that argument. I think it is valid argument or point. But for me to go back home to the people of Colorado and say that we are going to delay negotiating a contract over a long period of time, after a contract has been negotiated and consummated when they now come into Colorado, we have control that has never been had before by Federal officers.

The able Senator from New Mexico [Mr. ANDERSON] spoke about Mexican nationals in his own State. There is a little town in New Mexico called Espanola. The whole community moves into southern Colorado at this time of year. They are not Mexican nationals. They are Mexican Americans. They bring their children and families into Colorado and work in the potato fields. I know, because I watched with amazement how the families come—not one family, but groups of families. I saw children 4, 5, 6, and 7 years old, in 40 groups, working in an area.

Why is not that work mechanized? Because the potatoes grow in the rocks. I have walked among them. I have asked them, “Why do you do this work? Where do you go to school?” I learned about them. They make a stake with the family and then go back to Espanola to live through the winter. This happened in Denver 30 or 40 years ago.

Mr. PROXMIRE. It is only in the winter, with the postponement of the proposed legislation until early in January, that there would be any effect. In the winter, as the Senator has said, braceros are not in Colorado; they are not in Texas; they are not in Louisiana. They are in Mexico. The Secretary of Labor is absolutely correct in saying that during this period the effect will be negligible. That is all he is saying.

Mr. CARROLL. Why does he not say it now, after the conference has taken place? Let him say it now or tomorrow morning.

Mr. PROXMIRE. Perhaps he will say it tomorrow morning; but his letter satisfies me, because he has recognized the situation; and it is exactly the situation which confronts us at the moment.

Mr. CARROLL. The Senator from Wisconsin has only a thousand in his State. Wisconsin is away up near Canada. It is too bad the labor cannot be brought down from Canada. I am trying to say that from Texas to Arizona and into New Mexico, Colorado, and California, we have a peculiar problem.

While I believe in the Senator's beautiful philosophy, and I shall vote for it, there is a point beyond which I must consider the survival of my State.



Mr. PROXMIRE. I would agree; and in the event the program were to be carried on during next summer or fall, I think the danger to some farmers, both in Wisconsin and Colorado, might be considerable.

Mr. CARROLL. I thank the Senator from Wisconsin. I hope we will not vote this evening. If the Senator keeps talking a little longer, I feel certain we will not. I will try to help out in this problem.

Mr. PROXMIRE. I thank the Senator from Colorado. He has been extremely helpful.

I observe in the Chamber the distinguished Senator from Florida [Mr. HOLLAND], who is an outstanding expert in this field and in many others. Earlier today I had a discussion with him on this particular issue. I should like to continue it now.

I refer to the adverse effect on the price which the independent farmers receive, because the larger farmers use bracero labor.

The spring lettuce crop is grown in Arizona and California, largely with foreign labor. The lettuce crop of South Carolina, North Carolina, and Georgia is grown exclusively with domestic labor.

Over the past 6 years, production in the Western States has risen while production in eastern areas dropped.

There has been a clear downward drift in average price for both the eastern and western crop. The average price per hundredweight for eastern lettuce declined 35 percent to \$3.88 for 1959 and 1960; the corresponding price for western lettuce went down 15 percent to \$3.50. It appears that the availability of foreign labor has contributed to lower returns for eastern farmers by over-expanding production and by enabling western growers to take over some of the markets formerly available to small farmers in the East.

Next, let us consider strawberries. California growers have doubled their production of midspring strawberries for processing over the last decade, largely with the help of Mexican labor. U.S. production rose by about 20 percent and prices fell 18 percent. The five other States producing this crop in competition with California—Virginia, Kentucky, Tennessee, Arkansas, and Oklahoma—all of which use domestic labor for strawberries, have curtailed production sharply as prices fell.

Now let us take tomatoes. More than four-fifths of the California workers who harvest tomatoes for processing are Mexican workers. U.S. production of this crop averaged 3.8 million tons in 1959 and 1960, about 3 percent higher than in 1950 and 1951. California's annual production rose five-tenths million tons over this period while annual output in other producing States, which rely mainly on domestic labor, went down by about four-tenths million tons, nearly a half million. The U.S. average price to farmers dropped by about 12 percent.

This is the reason why I argued with the distinguished Senator from Florida that the bracero program had an adverse effect not only on the migratory

worker but on the independent small farmer.

Mr. DOUGLAS. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. I wish to congratulate the Senator from Wisconsin for the very able speech he has just made and for the way in which, as always, he throws himself into battle on the side of the weak and the dispossessed. He deserves great praise for his attitude in connection with this matter. The debate will be read by countless thousands of people over the country, and they will hail the Senator from Wisconsin as their champion who is ready to defend them.

Mr. PROXMIRE. I thank the Senator very much.

Mr. HOLLAND. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. HOLLAND. I think the Senator should know that instead of adversely affecting those who produce perishable crops in my State, anything that has happened elsewhere—braceros, domestic migrants, offshore migrants, and all the other confusing factors—and the picture is not a simple one—have not been able to keep our industry from growing tremendously, both in size and in prosperity. Only a few years ago California produced a good deal more citrus fruit than Florida did. But today Florida produces more than three-fourths of all the citrus fruit produced in the United States, including that produced in California, Arizona, and Texas, in addition to that produced in Florida. From the standpoint of the annual production of our crops—whether citrus fruits or vegetable crops, or any other—the production in Florida has increased every year. During the years in which the price-supported crops have been going down, we have continued year after year to advance in the value of our production, and last year it reached \$820 million.

I wish to say to the Senator from Wisconsin that I think he is completely wrong in several of his conclusions; and he could not be more wrong than he is in his statement that there will be no immediate effect in January or even up to early February upon those who produce highly perishable crops.

As a matter of fact, the California navel oranges, after the end of the movement for the Christmas holidays, begin to move right after New Year's Day, and move in great quantities during January and February, as the Senator from Wisconsin will find if he has any statistics on that movement. All the Texas grapefruit have to be moved before the Mexican fruitfly comes across the border. Generally all the Texas grapefruit has to be moved by April 15—which means that January and February are about the peak times of the movement of the Texas grapefruit. A similar situation prevails in Arizona, and similar situations prevail with reference to the particularly perishable vegetable crops which are produced in Texas, Arizona, and southern California.

I do not care how the Secretary of Labor may picture the situation; I wish to say to the Senator from Wisconsin

that long before I came to the Senate, my practice was in connection with agriculture; and I represented officially, for several years, the citrus industry of Florida, in its national affairs, before I came to Washington. So I know something about this subject; and I know there is no time at which the Senator from Wisconsin could strike a more severe body blow at those who depend upon such labor to gather their crops in the fields or from the fruit trees than in January and February, so far as the States of Texas, Arizona, and southern California are concerned.

So there is no escaping the fact that what the Senator from Wisconsin is proposing here—namely, that no action be taken now, but that this question be simply left in abeyance, with reliance upon an old law under which Mexico now refuses to operate—and I am not stating this on the basis of the knowledge possessed by someone else, but I am stating it on the basis of my own knowledge, in part, when this legislation was enacted—is to strike a severe body blow at American citizens who are entitled to receive some consideration from him and from the other Members of Congress; and I believe the Senator from Wisconsin would not do it if he understood the gravity of this situation.

I wish to say that sitting besides me now is a distinguished Senator who knows vastly more about this subject than I do, but I daresay he will verify every word I have spoken. I refer to the great Senator from New Mexico [Mr. ANDERSON] who served as our Secretary of Agriculture, and who knows more about this subject matter than does any other Member of the Senate or any Member of the House of Representatives. I am sure he will state that there are no months in which more serious blows could be struck at the producers of perishable fruits and vegetables and berries than the months of January and February.

Mr. PROXMIRE. The Senator from New Mexico has already told me plenty.

I wish to thank the Senator from Florida for an excellent response.

I shall carry on this presentation a little later.

Mr. President, I yield the floor.

Mr. MORSE. Mr. President, this is the first time I have found myself in the position of being an arbitrator, a mediator, and a middleman. Thus far in the debate I have not spoken on this subject matter. I have planned to make my position clear on the record, because this matter is of great concern to the perishable fruit industry of Oregon, which makes great use of itinerant workers, including Mexican workers.

But here, again, as always, in my judgment human values come ahead of material values; and in my judgment we would best protect the fruit industry of Oregon by protecting the human values involved in connection with the harvesting of the fruit. Furthermore, in my judgment, of all the forgotten people in America, none are more forgotten, from the standpoint of having social justice and all the other types of justice done



for them, than are the itinerant workers of this country.

Mr. DOUGLAS. Mr. President, will the Senator from Oregon yield, with the understanding that in yielding to me he will not lose his right to the floor?

Mr. MORSE. Yes, with that understanding.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, the Senator's comment gives us great cheer.

I wonder whether the Senator from Oregon remembers the story about the war of the 1630's and 1640's in England. It is said that the Commonwealth Army was sorely pressed by the forces of King Charles and was in great difficulty, when Oliver Cromwell came riding across the heath, the troops of the Commonwealth Army threw their caps into the air, gave a great shout, and proceeded to defeat the Royalists.

I wish to say that some of us, who have been trying our best to oppose the forces that would exploit the labor of America, now are—like the forces of the Commonwealth Army—literally throwing our caps into the air and are shouting that with Cromwell and MORSE we are going to win. [Laughter.]

Mr. MORSE. Mr. President, I wish to say to my biased friend, the Senator from Illinois, that one of the reasons why I love him so much is that he is so biased in regard to his friendship for me. Certainly no one knows better than I that I am most undeserving of the accolade the Senator from Illinois has just now paid me.

But once again I stand shoulder to shoulder with the Senator from Illinois, the Senator from Wisconsin, and the others who have raised their voices in this debate, pleading for fairness and for just treatment of the itinerant workers of this country who are engaged primarily in the perishable fruit and vegetable industry. It is because of my understanding of their plight that I raise my voice tonight in their defense.

But first I wish to say that the chief role I have sought to perform during the past hour, since my good friend, the majority leader, the senior Senator from Montana [Mr. MANSFIELD], talked to me about the parliamentary situation which confronts us, is that of one who seeks to find a fair, equitable solution to the parliamentary tangle in which all of us now are enmeshed.

There is no doubt that we can stay here all night and discuss this matter; we have ample forces to do that. But I have kept asking the question, What would be the end result? As an old arbitrator, I realize that whenever there is a major strike, everyone knows that the strike will end at some time; and often I have thought it too bad that it could not be ended quickly on the basis of a fair adjustment of the differences involved—which in most instances is the final result; and I think it will be the final result of this parliamentary battle. But there are some principles involved in this battle; there is a record to be made, and, I say most respectfully, there are some lessons to be taught.

I should like to have the attention of the Senator from Wisconsin [Mr. PROXMIER] and the Senator from Illinois [Mr. DOUGLAS], who I think deserve great credit for their parliamentary heroism in connection with this debate. I mean just what I say, because I think it is good that, even in the closing hours of the session, when all the pressure is on to ramrod through to an early adjournment, when there is great temptation to let things go by, the Senator from Wisconsin and the Senator from Illinois have had the courage to stand up and say, "We are not going to let this matter go by until it receives full consideration in the Senate and until at least we do everything we can to see to it that we set right what we consider to be serious shortcomings to individuals."

Mr. DOUGLAS. Mr. President, will the Senator yield for a moment?

Mr. MORSE. I yield.

Mr. DOUGLAS. I appreciate everything the Senator has said, and I am sure the Senator from Wisconsin does, too. We are proud of what we have done, but we have had associated with us other Senators, such as the senior and junior Senators from New York on the other side of the aisle, who fought with us, who are comrades in arms, and who also feel like throwing up their caps now that the Senator from Oregon has joined the forces. I refer also to the Senator from Minnesota [Mr. MCCARTHY].

Mr. MORSE. I did not in any way intend to slight Senators on the other side of the aisle. I intended to make special reference to them. But I wanted first to talk about my fellow Democrats, because, after all, we are the majority party. We have the responsibility for the legislative record made. We shall have to take the criticism for any shortcomings that may be found in that record. That is why, up to this moment, in my speech, I have been directing attention to my Democratic colleagues.

I join the Senator from Illinois in expressing my great appreciation to the Senator from New York [Mr. KEATING] and his colleague, Mr. JAVITS, and other Republicans who recognize that basic to this dispute is a sincere difference between us over the question of the justice that is owed itinerant workers who do so much in the harvesting of perishable crops in this country.

I return to the subject matter I was discussing before the last interruption. I go back to raising some parliamentary questions and discussing the parliamentary entanglement binding us, and which binds every Senator. I mean to hurt no one's feelings. I mean to discuss the situation objectively. I have been discussing the subject in the cloakroom with my colleagues and the majority leader. I continue to ask, "What is the end result? What is the final result?"

I find myself in agreement with the critics who make this point. I find a considerable amount of resentment and a considerable amount of criticism in the feeling that the supporters of the McCarthy amendment have not received the consideration to which they believe good procedure and parliamentary practice entitle them, in connection with the

procedures that have been followed in connection with this bill.

The argument has been made—and it cannot be erased from their feelings, at least—that they do not think much of a battle was waged in conference in support of the decision of the Senate in regard to the McCarthy amendment. I was not there. I cannot answer the question, "Vas you dere, Sharlie?" I do not know. I am telling the Senate what the feeling is. It is felt that the close vote in the Senate does not make any difference. The vote in the last general election was very close, too, but it did not mean the President did not have a mandate to carry out his pledges and to carry out the Democratic platform. So my colleagues in this controversy use that argument by analogy, saying that, after all, the conferees had a mandate. It makes no difference what the vote was by which the Senate adopted the amendment. The Senate registered itself in favor of the amendment, and the Senate conferees had a mandate to fight for the Senate's position.

Mr. President, I did not have a stopwatch. Frankly, I did not know what was going on at the time, but my colleagues who feel strongly about this issue say that about 26 minutes was required for the conference on the whole bill, including the McCarthy amendment. I do not know, but I say it is pertinent to the parliamentary situation in which we find ourselves, and it is pertinent to the amount of sleep we get tonight, because it has a direct relationship to the slumber of Senators between now and dawn.

Someone has said that one of the leaders of the fight has gone home, on the basis of the comment that, as the general, he lost the war, but he cannot prevent his troops from fighting. Be that as it may, we must, as parliamentarians, face the question good naturedly and responsibly, of what confronts us as a blockage in the Senate tonight.

I shall be honest with the Senate. I am much more interested in the conference that is going on now in the rear of the Chamber than I am in my own words, because I think that conference will determine our procedure between now and dawn more than anything the Senator from Oregon can say, although I am proud of the fact that I had something to do with starting the conference, because I made the suggestion which I now make openly to the Senate. Apparently, what "sticks in the craw," so to speak, of some very sincere men who share my view is that the bill is not good enough, and that the McCarthy amendment was necessary in order to do the justice to the itinerant workers which the senior Senator from Oregon thinks ought to be done. Many Senators do not share that view. They are sincere, and I respect their opinion.

It seems to me that the next parliamentary step—and I think it would be a fair one—would be to have a vote "on the nose," so to speak, on a direct motion—and I do not phrase the motion now, but I will tell the Senate what its nature ought to be, in my judgment—to have the conferees go back to conference with instructions to fight for and



bring back the McCarthy amendment. Such a motion might be defeated, but at least we ought to know, by a "nose count"—and by that I mean a yea-and-nay vote—how Senators stand on the issue. In my judgment, if such a motion were put, if there were a rollcall, every Senator would have made his record on the issue that really is at stake in this debate. The issue is whether or not the Senate is willing to vote to send the conferees back to conference with instructions to bring back the McCarthy amendment.

I know what some of the arguments made will be. It is very easy to make such arguments, but I think it is unrealistic.

It will be said, "Oh, the Morse proposal is an indirect—and perhaps not so indirect—slap at the conferees." Let us keep the personal issue out of it. This has to do with the question of procedure of the Senate. It is within the rules.

If a majority of Senators are not satisfied with the report the conferees have brought back to the Senate, there are plenty of precedents in the Senate whereby the Senate can move to direct its conferees to go back to conference and present a specific request for which the Senate asks.

I think my colleagues who feel this way about it—and I join with them—are entitled to a yea-and-nay vote on that issue.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from New York.

Mr. KEATING. I agree entirely with the objective of the distinguished Senator. My understanding of the rules is—and perhaps some Senator ought to propound a parliamentary inquiry—that we are faced with a vote up or down on the conference report as our first vote. We must first vote on that question. Only if that report is defeated can we send the conferees back and instruct them.

Mr. DOUGLAS. Mr. President, will the Senator from New York yield?

The PRESIDING OFFICER. The Senator from Oregon has the floor.

Mr. MORSE. I yield to the Senator from Illinois.

Mr. DOUGLAS. The point the Senator from New York is making flows from the fact that the House has accepted the conference report. After the House has accepted the report, the Senate cannot, as an initial measure, send its conferees back to conference.

Mr. KEATING. That is my understanding.

Mr. DOUGLAS. I wonder if the Presiding Officer would answer a parliamentary inquiry.

If an up or down vote were held on accepting the conference report, and if the report should be rejected, would it then be in order for the Senate to ask that new conferees be appointed—they could be the same conferees, if the Chair so decided—with instructions to seek a further conference? In the new conference the conferees could be instructed to press for the McCarthy amendment.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian

as follows: A vote up or down on the conference report must first occur. If the conference report is rejected—and only if the conference report is rejected—the motion suggested in the parliamentary inquiry may be made.

Mr. DOUGLAS. But if the motion were made it would be in order?

The PRESIDING OFFICER. The Chair is advised that before the conferees were actually named it would be in order, on motion, to instruct the conferees with respect to the will of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield for a parliamentary inquiry?

Mr. MORSE. I yield.

Mr. MANSFIELD. Is it not true, in effect at least, that on a motion of this nature the main point of interest would be the McCarthy amendment, and even though it were a matter of voting on the conference report as a whole, basically the difference would be on the McCarthy amendment?

The PRESIDING OFFICER. The Chair is not sure it would be within the scope of a parliamentary ruling to respond to that statement.

Mr. MANSFIELD. I understand. I shall not ask the Presiding Officer to explain further. The reason I make the statement is that this has been the chief bone of contention during the consideration of the conference report.

Mr. ANDERSON. Mr. President, will the Senator from Oregon yield?

Mr. MORSE. I yield to the Senator from New Mexico.

The PRESIDING OFFICER. The obvious response is that it would depend on the nature of the instruction. The nature of the instruction would be included in the motion. The attitude of the Senate with respect thereto would be expressed either by supporting or rejecting the motion.

The Senator from Oregon has the floor.

Mr. MORSE. I yield to the Senator from New Mexico.

Mr. ANDERSON. I think the Senator from Oregon has made a helpful proposal. It could be made abundantly clear in the vote that the only way there could be a vote on the McCarthy amendment would be to reject the conference report, so that every Senator who really favors the McCarthy amendment would have an opportunity to vote if he cared to do so. That is as close as we can come to a direct vote in this situation. I commend the Senator from Oregon for trying to bring about a solution, because I think he has put his finger on the crucial issue.

Mr. MORSE. Mr. President, in response to the Senators from New Mexico, Illinois, Montana, and New York, I shall vote against the conference report. I shall make very clear, in what I hope will be a brief speech tonight, that if the conference report is rejected I shall make the motion that the Senate instruct its conferees to go back to conference and endeavor to bring back to the Senate the McCarthy amendment.

The parliamentary situation being what it is, as the Parliamentarian has pointed out, the motion I am suggesting

would have to come before the House agreed to the conference report. I think there is nothing for us to do but to accept the parliamentary law and proceed with some very short speeches to make clear that we shall oppose the conference report and pledge to the Senate that if the conference report is rejected we shall then make a motion to instruct the conferees to return to conference and endeavor to bring back to the Senate the McCarthy amendment.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. MORSE. That will give us a vote on the issue. It will settle the problem one way or the other. I think it is a sensible way to handle the problem, in view of the parliamentary impasse in which we find ourselves at 9:26 p.m.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. MORSE. I yield to the Senator from North Carolina.

Mr. JORDAN. I am still a little confused as to what would be done if the conferees should come back with the same report they have now presented.

Mr. MORSE. It is highly speculative as to what the Senate might ever do.

Mr. JORDAN. Would we go through the same filibuster that has been going on for 2 days?

Mr. MORSE. That is highly speculative. I would ask the Senator from North Carolina to join with me in a cloture petition under those circumstances. I am sure he would do so.

Mr. MANSFIELD. I say to the Senator from Oregon, "That'll be the day." [Laughter.]

Mr. MORSE. We will have to cross that bridge when we come to it. We have an immediate problem. I do not think we ought to confuse the situation by speculation as to what might happen if something else should happen. We have an immediate problem. We should try to arrive at some understanding among ourselves, as reasonable men confronted with the problem, to reach a vote on the issue of the conference report, in the hope that those of us who will oppose the conference report can muster a majority with the pledge on our lips that if we succeed in having the conference report rejected we shall make a motion to instruct the conferees.

Mr. JORDAN. Mr. President, will the Senator yield for one further question?

Mr. MORSE. I wonder if the majority leader has anything further to suggest.

Mr. MANSFIELD. No. Everything has been said. I would operate on the assumption that the particular unanimous-consent request, when the issue was voted on, would decide the future conduct of the Senate in this respect, and that we would very likely then be able to proceed immediately to the unfinished business, temporarily laid aside, the public works appropriation bill.

Mr. MORSE. That seems to me to be sensible.

I am sorry; I did not know the Senator from North Carolina had another question.

Mr. JORDAN. The chairman of the Committee on Agriculture and Forestry designated the conferees before. Would



the chairman of the committee still designate the conferees, as he did in the first place?

Mr. MORSE. The Senate, and not the chairman of a committee, appoints the conferees. If the chairman of the committee appointed the conferees, it had to be with the leave of the Senate. That is a prerogative of the Senate.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. MORSE. I yield.

Mr. DOUGLAS. The Senator from North Carolina has put his finger on the difference between the actual practice and the theoretical rule. The theoretical rule is that the conferees are appointed by the Presiding Officer. In practice, as we know, lists of Senators are handed to the Presiding Officer, sometimes by the majority leader—I think in this case by the chairman of the conference committee—and then the clerk reads the list off as though the names came from the Presiding Officer.

The Senator from North Carolina was speaking about the reality, as I remember the situation. The Senator from Louisiana sent the list to the desk, and it was read off by the clerk as though it came from the Presiding Officer. I think we might as well face that fact.

Mr. ANDERSON. Mr. President, will the Senator yield?

Mr. DOUGLAS. Certainly.

Mr. ANDERSON. The Senator from Illinois would recognize, in this peculiar situation, that observance might be accorded to the rule which states that the prevailing sentiment should be recognized.

Mr. DOUGLAS. If that be true, I think there should be a new conference committee. As I pointed out this afternoon, six of the seven Senate conferees voted against the McCarthy amendment.

While I have great respect and affection for all these gentlemen, I would not say that the conference committee represented the will of the Senate. The Senator from New Mexico, in citing Jefferson's Rules, made a point that I did not intend to make because of my high concern for the Senators concerned, namely, that if the will of the Senate is carried out, it should mean different personnel on the conference committee. So I hope that the next time the Presiding Officer will make the appointments himself, and will not merely permit the clerk to read a list of names of Senators handed to him by unknown persons.

#### AMENDMENT OF VIRGIN ISLANDS CORPORATION ACT—CONFERENCE REPORT

Mr. ANDERSON. Mr. President, I submit a report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act. I ask unanimous consent

for the present consideration of the report.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

The legislative clerk read the report, as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4750) to amend section 6(a) of the Virgin Islands Corporation Act, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the figure "\$16,000,000" on line 7, insert "\$15,000,000"; and the Senate agree to the same.

CLINTON P. ANDERSON,  
HENRY M. JACKSON,  
JOHN A. CARROLL,  
HENRY C. DWORSHAK,  
THOMAS H. KUCHEL,

*Managers on the Part of the Senate.*

LEO W. O'BRIEN,  
WALTER ROGERS,  
JAMES A. HALEY,  
JOHN P. SAYLOR,  
JOHN KYL,

*Managers on the Part of the House.*

The PRESIDING OFFICER. Is there objection to the present consideration of the report?

There being no objection, the Senate proceeded to consider the report.

Mr. ANDERSON. Mr. President, as passed by the House, H.R. 4750 provided for a \$2½ million increase in the revolving loan fund of the Virgin Islands Corporation for the purpose of purchasing an additional power generation unit. The Senate amended the House bill by increasing the authorization to a \$5 million figure so that two generating units—one for St. Thomas and one for St. Croix—could be purchased and installed in order to meet the very heavy demand for electric energy on those islands. The House disagreed with our figure and requested a conference.

The conferees have just met, and we have agreed upon a \$4 million increase in the revolving fund for the Virgin Islands Corporation. It is our understanding that this is a sufficient amount of borrowing authority to permit the installation of these two generators.

The conferees also agreed that the Department of the Interior would be requested to report to the Committees on Interior and Insular Affairs of the House and Senate by the end of January next year the bids received on these generating units and from whom received and when and where the generators are to be installed. It was also agreed that the Department would be requested not to proceed beyond obtaining bids until the reports I have just referred to have been received.

Mr. President, I move the adoption of the conference report.

The PRESIDING OFFICER. The question is on agreeing to the conference report.

The report was agreed to.

#### ORDER FOR ADJOURNMENT TO 9 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### LEGISLATIVE PROGRAM

Mr. MANSFIELD. Mr. President, as anticipated all evening, there will be no votes tonight. But I hope that Senators who have conference reports and the like will do what they can to present them this evening. I thank all Senators for their consideration and courtesy.

#### MEXICAN FARM LABOR PROGRAM—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I offer a unanimous-consent agreement, which I send to the desk, and I ask for its immediate consideration.

The PRESIDING OFFICER. The proposed unanimous-consent agreement will be stated.

The legislative clerk read as follows:

#### UNANIMOUS-CONSENT AGREEMENT

*Ordered,* That, effective on Saturday, September 23, 1961, at the conclusion of routine morning business, during the further consideration of the conference report on H.R. 2010, to amend title V of the Agricultural Act of 1949, as amended, and for other purposes, debate shall be equally divided and controlled, respectively, by the majority and minority leaders, with a vote on the question of the adoption of the report coming at 10 o'clock a.m.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Montana?

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object—and I shall not object—is it possible by unanimous consent under the rules of the Senate to fix a time certain to vote? Would it not be better to put a 1-hour limitation on the debate? I am wondering if tomorrow an objection could not be made to the unanimous-consent request. Would not a quorum call be required preceding the time certain for the debate?

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that the vote would be a vote on the conference report, and as such it would not fall under the rule commented on by the Senator.

Mr. MANSFIELD. Mr. President, in the unanimous-consent agreement that has been read by the clerk, the reference was "at the conclusion of the morning hour."



The PRESIDING OFFICER. The Senator is correct.

Mr. MANSFIELD. I suggest that in that request there be no reference to the morning hour, and that, after dispensing with the reading of the Journal, the Senate immediately proceed into the period to be divided between the opponents and the proponents of the resolution which has been offered.

The PRESIDING OFFICER. Is the proposed request understood? Is there objection? The Chair hears none, and the unanimous consent agreement is agreed to.

The unanimous-consent agreement, reduced to writing, is as follows:

#### UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective on Saturday, September 23, 1961, after the dispensing of the reading of the Journal, during the further consideration of the conference report on H.R. 2010, to amend title V of the Agricultural Act of 1941, as amended, and for other purposes, debate shall be equally divided and controlled, respectively, by the majority and minority leaders, with the vote on the question of the adoption of the report coming at 10 o'clock a.m.

#### EXCHANGE TEACHERS PROGRAM

Mr. MORSE. Mr. President, I wish to make my speech on the pending conference report on the so-called Mexican labor bill tonight. Before I do so, I wish to make a comment on another subject.

Recently I was honored to be selected as the Democratic Senator to address the hundreds of exchange teachers who had come to Washington for orientation before going to their respective teaching assignments in this country. This exchange program is carried on cooperatively at the national level by the U.S. Office of Education and the Department of State. The implementation of the educational exchange programs involves teachers, supervisors, and school administrators from 75 countries, who each year come to teach in American schools or to participate in special training activities at selected colleges and university centers, throughout the United States. Educational opportunities for American teachers are also provided abroad to teach or to improve the skill and knowledge of these teachers in the foreign language and social science fields.

In promoting the development of international education through recruiting American teachers for interchange assignments, one-way teaching positions, and summer semesters overseas; placing foreign teachers in American schools; and arranging training programs for foreign educators in the United States, these expanding exchange activities serve to enhance peace, world understanding, and human betterment in classrooms around the world.

These programs give educators a first-hand look at our schools and community life and serve to clarify and sharpen our awareness of each other's individuality and intrinsic worth. The exchange of teaching personnel between various nations is one of the finest ways in which international understanding can be fostered.

Schoolteachers can translate the United States and its people to their children and colleagues in spreading and deepening their knowledge and understanding of the United States as a whole, and of American education in particular. Teachers can best depict or create a true image of the United States and its people, our hopes and aspirations to our friends overseas in large numbers and in all walks of life.

American Embassies and educational commissions abroad attach great importance to the teacher exchange programs in reporting that the followup of returned teacher grantees has shown that they are tremendously effective because of their continuing enthusiasm and their willingness to speak and write about their experiences in the United States. To a large extent, the effectiveness of the programs is due to the efficient organization and careful planning given to the programs by the U.S. Office of Education. Teachers, supervisors, and school administrators shape the future of their countries, their development and progress, and the attitudes of their youth in creating an atmosphere of mutual understanding and respect among the countries of the free world. They are the guardians and exponents of freedom on the world's frontiers.

To me, this meeting with teacher-ambassadors was a source of gratification; for me it was also an honor to have been selected to give a message to our guests, telling them of our American ideals—in principle and in practice.

I am proud of the fine Americans we have sent to other countries, and I am gratified to see what fine teachers they have sent us.

SELMA M. BORCHARDT, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF TEACHERS

Mr. President, in this connection I extend my high commendation and compliments to Miss Selma Borchardt, who is the legislative representative of the American Federation of Teachers. She has given dedicated service to her post on Capitol Hill for a great many years. Miss Borchardt also spoke at the meeting in which many teachers from overseas were welcomed in connection with the teacher exchange program under the auspices of the U.S. Office of Education and the Department of State. I think as we come to a close of this session—a session in which here in the Senate, at least, we gave very careful and favorable consideration to President Kennedy's education program, so far as S. 1021 is concerned—Miss Borchardt is deserving of special thanks from those of us who had anything to do with S. 21, for the great assistance that she was to us at all times in connection with our consideration of education legislation.

#### JUDGE LEARNED HAND

Mr. MORSE. Mr. President, I ask unanimous consent to have printed in the RECORD at this point a very fine article written by James E. Clayton entitled "An Era of Law Ended With Judge Hand."

I consider it a particularly fitting tribute to this great jurist who unquestionably was one of the great jurists of our times.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### ONE OF A UNIQUE GROUP—AN ERA OF LAW ENDED WITH JUDGE HAND

(By James E. Clayton)

When the teletypes clacked out the message on August 18 that Learned Hand was dead, they described him as one of America's most distinguished judges. They should have added another sentence: When Hand died, an era of American law ended.

The era to which Learned Hand belonged and which he personified as did no other American living in the seventh decade of this century was an era which was over, in large part, 25 years ago.

It was an era marked off from the rest of America's history by a unique group of judges. These judges—Holmes, Brandeis, Cardozo, Hughes, Sutherland, Stone, Hand—left a long imprint on history.

They were the men around whom turned the disputes of the twenties and thirties over the power of Congress. They were the men who laid out the arguments and the issues upon which debate still runs today—the proper role of the Supreme Court, the extent of congressional power over economic matters, the reach and content of the Bill of Rights.

But these were also men who gave America two great heritages. One is a heritage of judicial excellence to which many judges aspire but few attain. The other is a heritage of philosophy—not philosophy in the narrow sense of legal theories, but a broad philosophy of the values Americans hold dear.

This imprint and these heritages began to be built at the turn of the century. It was 1902 when Oliver Wendell Holmes was appointed to the Supreme Court, 1909 when Learned Hand was named a Federal judge in New York, and 1914 when Benjamin Cardozo first sat on New York's highest State court.

In the years that followed, Holmes was joined on the Supreme Court first by Charles Evans Hughes and then by Louis D. Brandeis, George Sutherland, Harlan Fisks Stone, and Cardozo. Only Hand in this group never shared their title of Mr. Justice. Put Hand won the title of 10th Justice because of the quality and quantity of his work on a circuit court of appeals.

What was it about this group of men that marked them off as framers of an era in American law and as major participants in American history? Perhaps more than anything else, it was their intellectual and cultural achievements, their deep and reflective thinking, and their ability to express themselves precisely and yet eloquently.

These traits, which separate giants from mere men, appear from time to time on the American scene. But seldom has the Nation had such a group of men possessing them who devoted their efforts to one topic as this group did in the twenties and thirties.

The standards of excellence these men set will long remain with American law. They looked and acted like the wise men Americans expect their judges to be. Their dignity and decorum were above reproach. They were (and are) widely respected even by those who disagree violently with what they Maitland, with Thucydides, Gibbon, and judging that which Hand said a judge needs when he wrote:

"I venture to believe that it is as important to a judge called upon to pass on a question of constitutional law to have at least a bowing acquaintance with Acton and Maitland, with Thucydides, Gibbon and



Carlyle; with Homer, Dante, Shakespeare, and Milton; with Machiavelli, Montaigne, and Rabelais; with Plato, Bacon, Hume, and Kant; as with the books which have specifically been written on the subject."

Hand went on to explain why judges who interpret laws and rule on their constitutionality need this background. He said:

"For in such matters everything turns upon the spirit in which he approaches the questions before him. The words he must construe are empty vessels into which he can pour nearly anything he will. Men do not gather figs of thistles nor supply institutions from judges whose outlook is limited by parish or class.

"They must be aware that there are before them more than verbal problems; more than final solutions cast in generalizations of universal applicability. They must be aware of the changing social tensions in every society which make it an organism; which demand new schemata of adaptation; which will disrupt it, if rigidly confined."

This is not to say that all those who brought to the bench the wisdom and knowledge that Hand said judges need agreed on a basic philosophy or agreed on solutions to the problems of the Nation. There can be no sharper disagreements than those which arose between Sutherland and Brandeis or Sutherland and Stone.

But all these men had within their grasp that which Holmes once described as the joy of the thinker—knowing that "a hundred years after he is dead and forgotten, men who have never heard of him will be moving to the measure of his thought."

Take, for example, the question of how much power the Constitution gives Congress to regulate economic affairs. This was a crucial question in the twenties and thirties because on the answer to it turned social legislation of the 20th century. It was here that Sutherland and, to a lesser extent, Hughes parted company with Holmes, Brandeis, Cardozo, Stone, and Hand.

They fought the battle daily in the courts until it was settled in favor of broad congressional power. But the arguments and barrages which Holmes and Sutherland exchanged in the twenties provide the underpinning of today's discussion, which assumes that broad power exists but questions the wisdom of using it.

In the same manner, the arguments put forward by Holmes, Brandeis, Cardozo, Stone, and Hand are the basic statements used today when the meaning of the Bill of Rights is debated.

This issue now sharply divides the Supreme Court and many Americans. It turns on whether the guarantees of freedom of speech, press, religion, etc., are absolute bars against congressional power or whether they can be balanced against the need of the Nation for security.

The former position is that taken by Justice Hugo L. Black and the latter that of Justice Felix Frankfurter. Each man argues that his view reflects most accurately that of Holmes, Brandeis, and Stone.

Thus the influence of the men of the twenties and thirties invades the sixties and is likely to go into future decades.

The overlap, of course, is great. Frankfurter's influence was felt in the heyday of Hughes, Cardozo, and Stone. Hand's presence was felt when the day of Holmes and Brandeis was just beginning and it continued long after they were gone. But since the mid-thirties, only Frankfurter and Black, and perhaps Robert Jackson, have approached the standards of excellence and philosophy left by their predecessors.

Perhaps the best way to demonstrate those standards is to recall some of the philosophy of Hand, the last of the group. This philosophy, while close to that of Holmes in many respects and while joining that of Stone upon occasion, was not shared by all

the others. But it serves to show how their minds probed deeply and well into the basic problems of mankind.

At the height of the McCarthy era, when suspicion was being cast upon many, it was Hand who said:

"Risk for risk, for myself I had rather take my chance that some traitors will escape detection than spread abroad a spirit of general suspicion and distrust which accepts rumor and gossip in place of undisputed and unimpaired inquiry.

"I believe that that community is already in process of dissolution where each man begins to eye his neighbor as a possible enemy, where nonconformity with the accepted creed, political as well as religious, is a mark of disaffection; where denunciation without specification or backing takes the place of evidence, where orthodoxy chokes freedom of dissent; where faith in the eventual supremacy of reason has become so timid that we dare not enter our convictions in the open lists, to win or lose."

To Hand, the greatness of America was marked in its belief in liberty and moderation. The spirit of moderation, he once said, "is the temper which does not press a partisan advantage to its bitter end, which can understand and will respect the other side, which feels a unity between all citizens \* \* \* which recognizes their common fate and their common aspirations—in a word, which has faith in the sacredness of the individual."

Of liberty, he said: "What do we mean when we say that first of all we seek liberty? I often wonder whether we do not rest our hopes too much upon constitutions, upon laws and upon courts. These are false hopes; believe me, these are false hopes.

"Liberty lies in the hearts of men and women; when it dies there, no constitution, no law, no court can save it; no constitution, no law, no court can even do much to help it. While it lies there, it needs no constitution, no law, no courts to save it.

"What then is the spirit of liberty? I cannot define it; I can only tell you my own faith. The spirit of liberty is the spirit which is not too sure that it is right; the spirit of liberty is the spirit which seeks to understand the minds of other men and women; the spirit of liberty is the spirit which weighs their interests alongside its own without bias; the spirit of liberty remembers that not even a sparrow falls to earth unheeded; the spirit of liberty is the spirit of Him who, nearly 2,000 years ago, taught mankind that lesson it has never learned but has never quite forgotten: that there may be a kingdom where the least shall be heard and considered side by side with the greatest."

Not all the judges of the twenties and thirties would have agreed with all these thoughts, although most of them would have. But these are representative of the quality of thought and literature which that unique group of that era produced.

Those judges—Holmes, Brandeis, Cardozo, Hughes, Sutherland, Stone, Hand—were men who lived out their lives so that they met the test Hand outlined for all men when he spoke 9 years ago at a celebration of his 80th birthday:

"We can live without dishonor, and to live without dishonor is to live with a high heart and in such fashion that we shall not wince when we look back upon our part."

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend

title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. MORSE. Mr. President, turning to the conference report which is pending before the Senate—and I shall be very brief—in 1959 Secretary of Labor Mitchell appointed a special group of consultants to study the Mexican farm labor program. The members were former U.S. Senator Edward Thye, of Minnesota; Dr. Rufus V. von Kleinsmid, chancellor of the University of Southern California; Glenn E. Garrett, chairman of the Texas Council of Migrant Labor; and Msgr. George Higgins, director of the social action department of the National Catholic Welfare Conference.

The consultants made their report in October 1959, and their report is very clear concerning adverse effects of this program.

I should like to read and comment on sections of this report.

Because of the lateness of the hour, however, and because nothing I could possibly say would in any way improve upon the soundness of the observation made by this special and highly qualified consultative team of experts, I ask unanimous consent that the material from their report be inserted at this point in my remarks. I want the RECORD to show that I associate myself with the comments in the reports. I make their arguments and observations my arguments and observations. I am perfectly willing to stand on the report as my record in regard to the substantive issues which are before us in connection with this general subject.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### MEXICAN FARM LABOR PROGRAM CONSULTANTS REPORT

##### INTRODUCTION

In enacting Public Law 78, Congress intended to accomplish two basic objectives: First, obtain agricultural workers from Mexico to meet peak seasonable labor shortages. Second, insure that our own domestic farmworkers will not be adversely affected by the employment of Mexicans.

The Department of Labor has now had 8 years of experience in administering Public Law 78. A review of this experience indicates that the Department has been successful in meeting the first purpose of the act, namely obtaining unskilled workers from Mexico to assist the United States in the production of agricultural commodities. Almost one-half million Mexicans were brought into the country last year in an orderly and organized fashion to supplement the domestic farmwork force. The existence of such a legal importation system has facilitated the elimination of the illegal entry of Mexicans ("wetbacks"). Although improvement in compliance activity is indicated, the mechanics for recruiting Mexicans, operating reception centers, transporting "braceros" and policing their conditions of employment have been improving each year.

However, the Department has been much less successful in meeting the second major objective of the law—protecting the domestic work force from the effects of Mexican importation. The Secretary of Labor has found it extremely difficult to administer section 503 of the act which prohibits the authorization of Mexican employment unless the Secretary determines that: (a) domestic workers are not available, (b) use of Mexicans will not adversely affect wages and working



conditions of domestic farmworkers, and (c) reasonable efforts have been made to attract domestic workers at wages and standard hours of work comparable to those offered to Mexican workers.

In appointing the consultants to advise him on problems arising out of Public Law 78, the Secretary of Labor expressed particular concern with four questions:

Adverse effect: Does the availability of "braceros" restrict employment opportunities for domestic farmworkers? Does it adversely affect wages and the availability of family housing? If there are adverse effects arising out of the Mexican importation program, what should be done to meet the problem?

Extensive use of Mexicans: Should foreign labor be limited to specific crops? Should they be used in year-round, skilled or machine jobs? Are there other ways in which the use of foreign labor should be limited?

International relations aspects of the program: What is the attitude of the Mexican Government toward the present importation program? What alternative importation procedures are there?

Continuation of program: Should the foreign labor program be renewed for a specified time or made permanent? Under what conditions?

This report is directed to these and related problem areas.

#### FACTUAL BACKGROUND

To obtain a fuller understanding of the problems associated with the operation of the farm labor program, the committee developed a statement of facts through conferences with the Department of Labor staff and through field visits. Discussion of six aspects of the program follows.

#### A. Adverse effect

Section 503(2) of Public Law 78 prohibits the Department of Labor from making Mexican workers available in any area unless it is determined that the employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

Neither the law nor the legislative history explain definitively what is meant by adverse effect or how Congress intended the determination of adverse effect to be made. This, therefore, has become a very controversial and difficult area of administration.

There are varying kinds of constructions that can be placed on the concept of "adverse effect."

1. In a strict sense, the term may be interpreted as depriving American workers of jobs, lowering wages, or impairing conditions of employment that already exist in the area. Under this interpretation, the Department's obligation would be to assure no worsening of the status quo for American workers.

2. Another possibility might be to interpret "adverse effect" as preventing wages and working conditions from reaching a point they would have reached under the play of forces in a free labor market if Mexican nationals were not employed in the area.

3. Under a third interpretation, any interruption of normal adjustments that might be expected to take place in the labor market could be considered "adverse effect." In areas of labor shortages, adjustments in wage rates, conditions of employment, production methods, and other factors tend gradually toward restoring a balance of labor supply and labor demand. The use of Mexicans may be considered as providing a cushion to alleviate and slow down the impact of these adjustments on farm employers. However, where corrective tendencies are halted, as evidenced by declining wage rates, increased reliance on Mexican labor, displacement of American workers, reluctant recruitment efforts, failure to improve housing and working conditions, etc., "adverse effect" is present.

In carrying out other provisions of Public Law 78 and the International Agreement, the Department has established procedures which tend to minimize adverse effect. These include (a) pre-season supply-demand analysis to determine labor shortages; (b) interstate clearance to meet shortages from available surpluses of domestic labor; (c) requiring employers of foreign labor to meet acceptable standards of housing and working conditions; (d) requiring employers of foreign workers to pay the "prevailing wage" to protect domestic wage standards while preventing exploitation of foreign workers; and (e) requiring employers using foreign workers to hire qualified U.S. workers who become unemployed in the area, either in addition to or in place of Mexican nationals.

In spite of these efforts, there are indications that adverse effect has occurred in some cases. The following are some examples:

1. Employment displacement: There are indications of some employer preference for Mexicans over domestic workers because they represent an assured work force of premium adult male labor. Use of Mexicans relieves the farmer of the risk of losing his labor supply, and enables him to take maximum advantage of changing market prices and crop grades. The unit cost of housing foreign workers is generally smaller than the cost for domestic migrants, who usually travel in family groups. In a competitive situation, other farmers seek the same advantages, and strong and continuing pressures build up to utilize foreign workers. Thus in some areas, almost 100 percent of the seasonal work on certain crop activities is performed by foreign workers. Domestic workers either migrate to other areas of employment or do not seek jobs in the activity which is identified with Mexicans.

In one State wages paid for harvesting cotton have fallen gradually while the proportion of foreign workers in the crop has risen. The inference is that U.S. workers have been forced to seek alternative job opportunities.

2. Duration of employment: Agriculture cannot provide year-round employment for most farm wage workers because of the short duration of seasons. The average farm wage worker can only expect to work about 125 days a year at farm jobs. If foreign workers are available, seasons of agricultural employment may be further compressed by using more workers at peak. This may result in even shorter duration of employment and loss of income for American farmworkers in areas where foreign workers are employed.

3. Low wages: Agriculture has been historically a low-wage industry. Farm employers have not generally attempted to compete with other industries for labor. In areas where foreign workers are used in large numbers their presence may prevent wage rates from rising to levels they would attain if no foreign workers were admitted. Knowledge of the availability of Mexican nationals weakens the domestic workers' bargaining position and contributes to the depression of area wage levels. Studies made by the Department of Labor show that wage rates in activities in which Mexicans are employed have lagged behind the rising wage level for farmwork generally. The studies also show that wages paid by employers who use foreign workers tend to average lower than those paid by nonusers in the same area (see discussion of wages in C below).

#### B. Extensive use of Mexican nationals

1. Year-round occupations: Public Law 78 does not limit the use of Mexican nationals to seasonal occupations although the history and background of this program indicate that it generally was considered to be for the purpose of meeting emergency needs. However, approximately 20,000 Mexicans, known as specials, are now employed on a year-round basis. These are workers with specialized knowledge and ex-

perience who are specifically requested at reception centers and whose contracts are renewed every 6 months. Most specials are employed in the border States of Texas and New Mexico.

2. Skilled occupations: Public Law 78 does not limit employment of Mexicans in terms of skills, and in recent years, there has been an increasing tendency to use Mexicans in semiskilled and skilled occupations. In addition to those employed as tractor operators and ranch hands, thousands are engaged in skilled and semiskilled jobs. Recently, the Department has been confronted with the problem of Mexican workers penetrating into field packing and sorting of vegetables as new machine methods were introduced and the work transferred from the shed to the fields. This work was formerly done by packing shed operators at higher wage rates in sheds.

The only legal authority the Department of Labor has for limiting the use of Mexican nationals in terms of skill considerations is a determination under section 503(1) that sufficient domestic workers who are able, willing, and qualified are available at the time and place needed to perform this work, or a determination under section 503(2) that the use of Mexicans adversely affects the wages and working conditions of domestic workers similarly employed. However, difficulties have arisen in attempting to apply these provisions. For example, in the case of Mexicans used in the machine packing and sorting of vegetables in the field, American packinghouse workers have been displaced. However, the displaced workers are not necessarily available to transfer to field jobs because of changes in the job content as well as a lowering of wages and the conditions of employment. Consequently, Mexicans are requested for field packing work while higher-paid domestic shed workers are laid off.

3. Nonessential crops: Under Public Law 78 foreign workers may be used for any commodity or product which the Secretary of Agriculture deems essential. Since the inception of the law, however, the Secretary of Agriculture has not exercised his discretion to declare any commodities nonessential, even those which are in surplus supply and heavily subsidized. More than 60 percent of all Mexicans employed at peak work in crops which are in surplus supply.

#### C. Wages

1. Wage trends: Section 503(2) of Public Law 78 states that the Department of Labor's responsibility under the law shall be carried out in a manner that will not adversely affect wages. The international agreement helps to implement this by providing that wages paid to foreign workers should correspond with those paid to domestic workers similarly employed in the area.

The prevailing wage to be paid Mexican workers is determined by conducting surveys at frequent intervals among samples of employers of domestic workers in areas where foreign workers are used. As an added check individual workers are consulted as to wages received for each activity. Under a formula adopted in 1958, the wage rate paid to 40 percent of the workers is considered the "prevailing wage" for a given activity in the area surveyed. In the small proportion of cases (less than 5 percent) where no single wage is paid to 40 percent of the workers, an alternative formula is used to find the prevailing wage. Observations are arrayed from the highest to lowest wage paid. The prevailing wage range is found by starting with the lowest wage and proceeding upward until 51 percent of the workers in the survey are included. The highest wage paid to any worker in the 51-percent group becomes the bottom of the range. The top of the range is the highest rate paid to any worker in the survey.



The prevailing wage concept may work satisfactorily in situations where wage rates are determined by competitive forces in the labor market, and there are so few Mexicans that their presence does not upset this equilibrium. Actually, however, the availability of a potential reserve of foreign labor generally influences the wage levels in the area for crops on which Mexicans are usually employed, and on other crops as well. Thus, Mexican rates are tied to domestic wage levels, which, in turn, may be more or less stabilized by the presence of Mexicans. Therefore, wage levels tend to become fixed in areas and activities where Mexicans are employed.

Studies of the Bureau of Employment Security show that wage rates in crops for which Mexicans are employed do not move upward at a rate corresponding with the general trends in farm wage rates.

Between 1953 and 1958, the hourly farm wage rate in the United States increased 14 percent, according to the Department of Agriculture. An examination of wage surveys made by State agencies in areas using Mexican nationals showed that the average rate paid to domestic workers in these areas either remained unchanged or decreased in three-fifths of the cases. In making this analysis each wage survey was given equal weight regardless of the relative number of workers employed. If the findings had been weighted, the indication of a leveling or downtrend of wages would be greater. For example, in cotton, in which about one-half of the Mexicans are employed, three-fourths of the cases showed rates unchanged or lowered. Between 1958 and 1959, an improvement in wage rates paid to American workers in areas using Mexican nationals has been reported, but the magnitude of these increases is less than the overall increase in farm wage rates in the United States.

During the past decade the wage differential between agriculture and industry has been widening steadily, and it may be inferred that the use of foreign workers in agriculture is partly responsible.

If the Department of Labor's obligation under Public Law 78 were merely to prevent wage levels from declining below levels that existed at the time Mexican nationals were introduced in an area, the prevailing wage concept might be adequate for this purpose. However, if the Department's obligation is (a) to restore wages to levels they would have reached if no foreign workers were in the area, or (b) to attain a level at which supply and demand might balance, or (c) to keep pace with wage trends in areas in which foreign workers are not employed, present procedures do not accomplish this.

2. Dominated areas: A special problem is posed by areas and activities within areas in which the farm work force is preponderantly Mexican national. It is generally recognized that prevailing wage determinations are meaningless in such cases. Some of the heavily dominated crops are lettuce, citrus, melons, and carrots in parts of Arizona; tomatoes, lettuce, citrus, strawberries, sugarbeets, and melons in California; citrus fruit, beans, peppers, cucumbers, in parts of Texas; cotton in New Mexico; pickles and lettuce in Colorado; and sugar beets in a number of States.

The Bureau's policy in the case of dominated areas has been to associate wage rates in dominated areas with those in comparable areas which are not dominated. This procedure has sometimes proven to be impracticable because of the difficulties of finding comparable areas which are so similar as to be acceptable substitutes and in which wages have not been influenced by employment of foreign workers.

A proposal is under consideration to authorize wage setting in dominated areas. If this plan were adopted, wage rates could be

based on such considerations as general wage trends, wage rates paid for comparable work in other areas, earnings for farmwork of comparable skill in the same area, wage differentials between employers who use foreign workers and those who do not, wages paid by employers successful in recruiting domestic workers, etc.

While agriculture is excluded from the Fair Labor Standards Act, the Government has experience and precedent in setting wages for agricultural workers under the Sugar Act. This act provides that fair and reasonable wages be determined after investigation, due notice, and opportunity for hearings. In administering the "fair and reasonable" standard, the Department of Agriculture takes into account cost of living; price of sugar and its byproducts; income from sugarbeets and sugarcane; cost of production; and differences in growing conditions among various producing areas.

3. User-nonuser differentials: Under present procedures, the prevailing wage rate is based on the rate paid to 40 percent of the domestic workers on survey farms regardless of whether they are employed on farms which also employ Mexicans or whether they are employed on farms which do not use braceros. However, BES studies indicate that, in the same area and for the same activities, there is a tendency for employers who use Mexicans to pay less than those who do not. These wage studies show users paid less than nonusers in nearly half of the wage surveys examined between January 1957 and May 1959; no difference was reported in one-third of the instances; and in one-fifth of the cases users paid more. This supports the conclusion that prevailing wages, as presently determined, are based on wage rates which, in themselves, are partially influenced by the presence of Mexican nationals.

4. Earnings of Mexican workers: The Mexican Government has set a 50-cent minimum for braceros paid on an hourly basis. This standard is below existing wage levels in most areas where foreign workers are employed, but above prevailing levels in the Lower Rio Grande Valley in Texas, Arkansas Delta areas, and parts of New Mexico.

Studies of earnings of Mexican workers have revealed that many paid on a piece-rate basis were not realizing the equivalent of 50 cents an hour. Therefore, in 1958 the Bureau of Employment Security adopted a policy that workers of reasonable diligence must realize a minimum of 50 cents an hour or the piece rate must be adjusted to assure this.

This does not, however, set an absolute minimum wage, since 10 percent of the workers, who are presumed to be less diligent than others, may earn less than 50 cents an hour. Adjustment of piece rates to eliminate unsatisfactory earnings has been generally accomplished through negotiation with growers.

In addition, the Bureau adopted a policy to compare the average hourly earnings of Mexican piece-rate workers with time rates for similar work. If the average earnings of a group of workers appear to be lower than the prevailing hourly rate, the Bureau informs employers and consults with them in the appraisal of wage-rate actions or adjustments. Negotiated adjustments in piece rates have resulted under this arrangement.

#### D. Conditions of employment

One of the reasons that shortages of labor cannot always be filled by American workers is that conditions of employment are less satisfactory than those offered foreign workers. Contract guarantees give Mexican workers a number of advantages; the principal ones are provided by the international agreement listed below.

1. Transportation: Transportation from migration centers in the interior of Mexico

to the border, as well as subsistence en route, is paid from a revolving fund to which employers contribute. Employers also arrange for transportation of braceros from the border to the worksite. When the employer provides a bus or truck to pick up the worker at reception centers, the vehicle must meet rigid standards. Return transportation from the work area to the worker's home in Mexico is also the employer's responsibility.

Domestic migratory workers generally pay their own transportation to and from work areas. Employers frequently advance partial transportation costs, reimbursing themselves through payroll deductions. In some instances, employers will offer return transportation to workers who remain until the end of the season. Domestic migrants are usually transported by crew leaders whose trucks are subject to ICC regulations if State lines are crossed. Many now travel in their own cars or by public transportation.

2. Work guarantee: The Mexican worker contract guarantees the worker the opportunity to work on at least three-fourths of the work days in the contract period, which is usually for a minimum of 6 weeks. If the employer does not provide the guaranteed number of days of employment, the worker is paid the amount he would have earned had he worked. Under the contract, workers who are offered employment for less than 64 hours in any 2-week period, are entitled to subsistence, consisting of three meals per day or cash equivalent, for each 8 hours less than 64. Domestic workers generally have no contract, work guarantee, or subsistence allowance.

3. Housing: Foreign workers are provided free housing which must meet minimum standards of sanitation, space, cleanliness, etc., prescribed by the Bureau of Employment Security. Blankets and bedding must be provided, as well as cooking facilities separate from sleeping quarters in camps which do not have central feeding facilities.

Housing for domestic workers varies greatly as to type and quality. Typically, migrants carry their own bedding and cooking facilities. They are housed in small cabins or in rooms in partitioned barracks, either on the employer's farms or in public camps. Many seek out rooms in small towns in rural areas. Migratory worker housing is subject to standards and inspection in States with farm labor camp codes. About half the States, including Arizona, California, and New Mexico, which employ large numbers of foreign workers, have laws or regulations that apply to farm labor camps, ranging from very limited to comprehensive regulations. Even in States with codes, inspection is limited or virtually impossible because of inadequate staff. Texas and Michigan are outstanding examples of States with high employment of domestic migrants and foreign workers without State codes, although local health ordinances may apply. To some extent the foreign worker program has helped to improve standards of housing for domestic workers. Employers of Mexicans who also employ domestic workers often provide equivalent housing conditions for both.

4. Wage guarantee: Mexican worker contracts specify a minimum wage based on the prevailing wage in the area of employment ascertained by the local employment office. If the prevailing wage is found, on the basis of surveys, to be higher than the contract minimum, the worker must be paid the higher wage. If paid on a piece rate, the contract guarantees the worker at least \$2 a day for the first 48 hours of employment while he is learning.

Domestic agricultural workers are not protected by a contract minimum. The wage and hour provisions of the Fair Labor Standards Act do not cover agriculture. None of the State minimum-wage laws, except in



Alaska, Hawaii, and Puerto Rico, apply to all agricultural workers.

5. Insurance: Employers of Mexican workers are required to provide insurance or establish sufficient financial responsibility to cover major occupational risks. They are obligated to pay all expenses for hospital, medical and surgical attention and other similar services necessitated by occupational injury or disease.

They must also pay for the workers' subsistence during days the workers are unable to work because of illness or injury. Employers of Mexican nationals also carry non-occupational insurance for their workers, the cost of which is paid by deductions from wages.

Domestic workers are not protected by occupational insurance except to the extent that they are covered by workmen's compensation laws. Only Ohio and California have compulsory coverage of farmworkers. In certain other States (including Arizona), farmworkers engaged in mechanized occupations are covered.

6. Performance guarantee: The U.S. Government guarantees the performance by employers of the provisions of the Mexican work contract relating to wages and transportation. The workers may also contact the Mexican consul with respect to contract provisions, and they may elect their own representatives as spokesmen in dealing with employers.

Unemployed domestic workers may contact the local employment office for preference in employment in cases where Mexican workers are employed. They have no protection regarding wages or working conditions except in 3 States which have wage collection laws which apply to agriculture. The California and Massachusetts laws apply specifically to farmworkers; Minnesota's, to transient labor. Generally, domestic workers are not organized in unions. A crew leader may act as spokesman for workers or as intermediary between workers and employers.

#### *E. Recruitment and availability of domestic workers*

1. Recruitment efforts: Section 503(3) provides that reasonable efforts must be made to attract domestic workers at wages and standards of work comparable to those offered to foreign workers as a condition for recruiting foreign labor.

Bureau of Employment Security procedures require employers seeking foreign workers to file orders which are treated as requests for domestic workers. They are circulated in interstate clearance, but generally are not filled, presumably because workers are needed in supply States at the same time. The number of foreign workers authorized and the prevailing wage must be posted in public places. If, during the contract period, qualified domestic workers become available for jobs held by Mexican workers, the employment office has the responsibility to refer them to employers using foreign workers, and the employer is obligated to employ them.

It is the Bureau's policy to require employers of foreign labor to participate in efforts to obtain domestic workers. There is evidence, however, that many users of foreign workers do not make as great an effort as those who rely on domestic workers. Employers successful in recruiting domestic workers offer competitive wages, housing suitable for family groups, participate in day haul, youth programs, and other local recruitment efforts. Many of them send agents to supply States to participate with the employment service in positive recruitment efforts. They try to make preseason arrangements with crew leaders through the annual worker plan.

On the other hand, some employers of foreign labor make only token efforts to co-

operate in obtaining domestic workers. For example, in one of the major agricultural areas, more than 80 percent of the workers engaged in harvesting tomatoes—generally a popular crop for domestic workers—are foreign, while in the same area only about 6 percent of the workers in other crops are foreign. Evidently, employers in the tomato crop are substantially withdrawn from the domestic labor market. In many instances, housing is built only for single males which deters use of domestic workers who are in family groups. Artificial shortages may exist in these areas because of unsuitable housing facilities.

Studies of the Department of Labor have shown that wage rates paid to domestic workers by farmers who use Mexicans are generally lower than those paid by nonusers for comparable work in the same area. This indicates that employers of foreign labor frequently do not make the same effort as other employers in competing for domestic farmworkers.

2. Wage payment to domestic workers: In carrying out the provisions of section 503(3) of Public Law 78, the Bureau of Employment Security requires users of Mexican workers to offer the same wages to domestic as to foreign workers. However, domestic workers who are employed at a lower wage prior to the time Mexican workers are recruited do not necessarily receive an increase when higher paid Mexicans arrive on the job. Reports from some areas show American workers being paid \$0.35 and \$0.40 per hour for chopping cotton on the same farms where Mexicans receive the contract minimum of \$0.50 an hour.

#### *F. International relations*

Would the nonrenewal of the Mexican farm labor program have an adverse effect on relations between the United States and Mexico? It is difficult to answer this question with certainty. On the one hand, it can be assumed that Mexico strongly favors the program because of the economic benefits it derives. On the other hand, there are some aspects of the program over which Mexico has some reservations.

All things considered, it is probably accurate to conclude—on the basis of private as well as public information—that the Government of Mexico, notwithstanding these reservations, would regret and possibly resent the termination of the program in 1961. This could have an adverse effect on relations between Mexico and the United States.

Another international consideration is the possibility of a large scale recurrence of wetbacks if Public Law 78 is not renewed. Such a development would be unfortunate for our own domestic workers, for the wetbacks themselves, and for the two governments involved. Still another possibility, if Public Law 78 were to be terminated, would be the recruitment of Mexicans under Public Law 414, the Immigration and Nationality Act but under procedures and conditions less desirable than Public Law 78.

However, these considerations should not constitute a conclusive argument in favor of extending Public Law 78. The Congress of the United States should assess the Mexican farm labor program on its own merits and in terms of its impact on the agricultural economy and the labor force of the United States.

#### *RECOMMENDATIONS*

A review and discussion of the factual background led to the following recommendations. Six of these involve the law itself, and one relates to the procedures by which the law is administered.

##### *A. Continuation of program*

The Mexican farm labor program, administered under the terms of Public Law 78, has always been thought of as an emergency program designed to meet a tempo-

rary need for supplementary agricultural labor. Although the law was amended several times, its basic purpose was never changed. It is still intended to relieve temporary shortages of unskilled labor.

Do the original arguments in favor of the bracero program still apply? In the judgment of the committee, it is impossible to give a definitive and unqualified answer to this question. On the one hand, it can be argued that all of the labor needs of American agriculture are not, and in the foreseeable future will not be available from domestic sources. On the other hand, it can be contended that the shortage of domestic agricultural labor does not constitute a real emergency, except in certain crops and areas and that, even in these specific cases, the shortage is not unavoidable. More specifically, there is reason to believe that the real or presumed shortage of domestic agricultural labor could in large measure eventually be eliminated if more satisfactory wages and conditions of work were offered to domestic farmworkers and if the farm labor market operated on a more rational basis.

Furthermore, the renewal of Public Law 78 without changes in 1961 would almost certainly tend to postpone the adoption of necessary reforms and would tend to increase rather than diminish the shortage of domestic farm labor.

The arguments for and against the renewal of Public Law 78 are not entirely conclusive. As a practical judgment, however, the committee has concluded that, on balance, the case in favor of renewing Public Law 78 on a temporary basis is more conclusive than the arguments against its renewal.

However, the committee doubts whether it is possible to prevent adverse effect on our citizen agricultural work force by such use of imported workers until and unless the law provides the necessary enforceable authority to prevent adverse effect. Part II of this report shows clearly the continuing problems in administering the law as presently written. In order to provide effective tools by which the Secretary of Labor may continue to authorize the orderly importation of Mexican nationals only where necessary and justified, the committee has incorporated in this part of the report its recommendations for changes in Public Law 78. The committee's support of a temporary renewal of Public Law 78 is conditioned on its being substantially amended so as to prevent adverse effect, insure utilization of the domestic work force, and limit the use of Mexicans to unskilled seasonal jobs.

To overcome the shortcomings of Public Law 78, several basic principles need to be established and incorporated into the legislation. This may be done in a preamble, or by means of amendments to specific sections of the law. These principles are included in the recommendations in items "B" through "F" listed below.

##### *B. Limitations on use of Mexican nationals*

The legislation should clearly confine the use of Mexicans to necessary crops in temporary labor shortage situations and to unskilled, non-machine jobs. To accomplish this, the committee recommends that the law be amended to: (a) prohibit employment of Mexicans in specific occupations involving year-round employment such as ranch hands, general farmhands, and other types of nonseasonal employment; (b) prohibit employment of Mexicans in machine operations such as sorting and packing machines, tractors, irrigation equipment, etc.; and (c) delete present provision authorizing the Secretary of Agriculture to designate necessary crops on which Mexicans can be used, unless this provision can be clarified and implemented. To avoid undue hardship to growers who have been employing Mexi-



cans in categories (a) and (b), provision might be made for a gradual termination of such employment over a 1-year period.

*C. Recruitment and availability of domestic labor*

1. The law should authorize the Secretary of Labor to take such action as may be necessary to insure active competition for the available supply of domestic agricultural workers. The objective of the Secretary should be to reduce reliance on Mexican labor. Some ways in which this could be done include: (a) limit the ratio of Mexicans to domestic workers on individual farms, (b) and limit the number of Mexicans in any particular crop area to a specific proportion based upon previous years' experience.

2. Sections 503(1) and 503(3) of Public Law 78, both of which relate to the availability of domestic labor, should be combined. The test of availability of domestic labor, which must be made before the use of foreign workers may be authorized, should be clarified and strengthened. The law should clearly stipulate that the primary responsibility for the recruitment of domestic workers rests with the employer himself. The law should direct the Secretary of Labor not to certify as to the unavailability of domestic labor unless: (a) employers have undertaken positive and direct recruitment efforts in addition to the efforts of the public employment offices. Such efforts should be made sufficiently in advance of the need. They might include, but not be restricted to, publicizing needs, participation in day-hauls, providing adequate housing and transportation. (b) Employment conditions offered are equivalent to those provided by other employers in the area who successfully recruit and retain domestic workers; (c) domestic workers are provided benefits which are equivalent to those given Mexican nationals, i.e., transportation, housing, insurance, subsistence, employment guarantees, etc.; (d) employers of Mexican nationals offer and pay domestic workers in their employment, no less than the wage rate paid to Mexican labor.

*D. Adverse effect criteria*

The test of adverse effect on wages and employment, which, if threatened, precludes authorization of Mexican workers, should be more specific. The Secretary should be directed to establish specific criteria for judging adverse effect including but not limited to: (a) failure of wages and earnings in activities and areas using Mexicans to advance with wage increases generally; (b) the relationship between Mexican employment trends and wage trends in areas using Mexican workers; (c) differences in wage and earning levels of workers on farms using Mexican labor compared with nonusers.

*E. Wages*

The Secretary should be authorized to establish wages for Mexicans at no less than the prevailing domestic farm rate in the area or in the closest similar area for like work; and no less than a rate necessary to avoid adverse effect on domestic wage rates.

*F. General rule*

While there is inherent authority to issue implementing regulations, Public Law 78 should be amended to include specifically a provision authorizing the Secretary to promulgate such rules and regulations as he deems necessary to effectuate the requirements of the law.

*G. Administrative procedures*

Although many of the problems in connection with the Mexican farm labor program can be resolved only by changes in Public Law 78, there is much that can be done through administrative procedures.

1. It is believed that additional progress could be made if adequate staff resources

were available so that the Secretary could make the fullest use of the authority he does have to evaluate carefully all requests for foreign labor. Emphasis should also be given to developing procedures and regulations which will avoid, to the greatest extent possible, adverse effect in their employment.

2. It is recognized that many facets of the Mexican importation program have been decentralized and that other parts of the program are administered through the affiliated State agencies and their local offices. While this undoubtedly results in economies, there is also a serious danger that local pressures and considerations may distort the original intent of the program. It is therefore suggested that sufficient controls and checks be developed to offset this possibility.

3. For more effective administration of the compliance aspects of the importation program, consideration should be given to the possibility of punitive action against violators which would be less severe than complete withdrawal of Mexicans. Failure to provide less severe penalties often results in no punitive action at all.

4. It is recommended that a tripartite advisory committee be established to advise the Secretary on the Mexican farm labor program. The committee should consist of representatives of management and labor in equal numbers and of public members.

In recommending changes in Public Law 78, and in the administration of the law, the committee is mindful that these proposed changes will not, of themselves, solve the long-standing and complicated manpower problems of American agriculture and may not substantially improve the wages and working conditions of domestic farm labor. These recommendations should therefore be considered minimal in nature.

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Mr. MORSE. Mr. President, Public Law 78, as it is currently constituted is essentially a device to harm American farm labor. No better evidence of this fact exists than the use of the Mexican farm labor importation to break strikes.

It has been employed frequently in this way. When domestic workers struck, braceros were brought in to harvest crops. Or the braceros continued to work behind the picket lines when the domestic workers walked off the job. Public Law 78 provides an in-built strikebreaking weapon for growers to use against domestic workers.

While the Labor Department considers whether to remove braceros, the growers get injunctions against such actions in friendly courts. The bureaucratic delays of the Department and the nuisance court actions of the growers combine to take up time, so that only when the braceros have harvested the crops are they finally pulled out. By that time the strike is senseless and it has completely failed.

The latest instance of this was the ill-fated strike against the huge lettuce growing corporations in the Imperial Valley early this year. That strike was effectively broken by the use of braceros. They harvested the lettuce while the Labor Department attempted to settle the dispute. Court actions under the present law and Labor Department delays were the major factors which

helped the growers defeat the strike of these workers who sought the munificent wage of \$1.25 an hour.

This is only the latest example. Let me cite just a few others in which the Mexican farm labor importation was used to break strikes.

In May and June 1952, the National Farm Labor Union, later called the National Agricultural Workers Union and now a part of the Amalgamated Meat Cutters & Butcher Workmen, AFL-CIO, struck the cantaloup jobs in the Imperial Valley. Before that year, cantaloups had been picked at piece rates of 25 cents a crate. Through skill, experience and teamwork, domestic crews were able to make fairly good wages on this basis. The Imperial Valley growers suddenly switched to hourly rates and offered 70 cents an hour across the board.

The strike was virtually 100-percent effective among the domestic workers as 550 of them walked off the job and established picket lines. But the Imperial Valley Growers Association was able to use braceros in whatever numbers and whatever jobs it saw fit. The strike was broken.

Between 1954 and 1959, the National Agricultural Workers Union was involved in a number of small walkouts, many of them spontaneous and most of them to avoid pay cuts—that is right, pay cuts. Every single one of the walkouts was defeated by the use of braceros. For example, the strikes on carrot harvests in Salinas, on asparagus and tomatoes in Stockton, on peaches in Sutter, and on cantaloups in Fresno.

The United Packinghouse Workers Local 78 had the same experience after 1954. When the jobs packing lettuce, celery, carrots and other vegetables were moved from the sheds into the fields, braceros replaced domestic workers, who had been under union contract. Wages were cut by 50 percent.

When the UPWA tried to restore the old wages, the same grim story was repeated: Picket lines were established and the removal of braceros requested. The Department of Labor took 4 to 6 weeks to investigate and decide whether the strike was a bona fide labor dispute and whether it could remove braceros under the law. When the Department did come to that conclusion, it was too late. Work on the crops had been completed.

Of more recent vintage, braceros worked behind the picket lines of the Agricultural Workers Organizing Committee during the August 1960 strike at a large peach ranch in Butte County, Calif.

Mr. President, I suggest that this law makes the Federal Government not only a party to strikebreaking, but the leading accomplice.

This is hardly a position we would want to see our Government in. I urge that we amend Public Law 78 to overcome its many abuses.

The conference report on H.R. 2010 would continue these abuses. I therefore urge that the conference report be rejected. I urge that the Senate insist on its bill. If the measure we passed



last week is not adopted, I urge that we do not renew Public Law 78.

The abuses and the shame of Public Law 78 is far too great. We cannot allow its continuation without the moderate, but meaningful reforms added by the Senate last week.

It would be instructive to examine in depth, some of the issues in the Imperial Valley strikes of last year—as outlined officially by the Labor Department.

I have those statements before me. Had I spoken at length tonight—and it is no longer necessary for me to do so—I would have read every word of the findings of the Labor Department. However, I shall now only place them in the RECORD. I refer to the release of March 4, 1961, entitled "Statement by Secretary of Labor Arthur J. Goldberg Regarding the Revocation of an Authorization to Certain Imperial Valley Lettuce Growers To Employ Mexican Nationals Under the Migrant Labor Agreement of 1951, as Amended."

I ask unanimous consent to have printed at this point in the RECORD the statement of Secretary of Labor Goldberg. I incorporate the position taken by Mr. Goldberg as my position. I not only associate myself with his position, but I say to those, including those who in my own State will not look with favor upon my opposition to this conference report, that I join with Mr. Goldberg in the conclusions he has reached in connection with the findings of fact and other material which he submitted.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SECRETARY OF LABOR ARTHUR J. GOLDBERG REGARDING THE REVOCATION OF AUTHORIZATION TO CERTAIN IMPERIAL VALLEY LETTUCE GROWERS TO EMPLOY MEXICAN NATIONALS UNDER THE MIGRANT LABOR AGREEMENT OF 1951, AS AMENDED

On February 23, 24, 25, and 27, 1961, notices were issued by Lee G. Williams, special assistant to the Director of the Bureau of Employment Security, which had the effect of withdrawing from 18 companies, members of the Imperial Valley Farmers Association, authorization to use Mexican nationals on any lettuce ranches operated by these companies where picketing occurs in connection with an alleged labor dispute.

This action was taken pursuant to article 7(d)(2) of the Migrant Labor Agreement, which provides that existing authorizations for the employment of such workers may be revoked: "Where the employment of Mexican workers by the employer would present a menace to the health or safety of the Mexican workers."

On March 1, 1961, these 18 companies filed special appeals from the notices with the Office of the Secretary of Labor. These appeals were accepted by the Secretary as presenting a proper opportunity for expeditious review of action taken in the exercise of authority delegated by him, particularly in view of the effect of such action upon the harvesting of a perishable commodity and in view of the necessity of his response to certain communications from the Government of Mexico regarding this matter.

The Under Secretary of Labor was designated to hear these appeals and to make a report and recommendation to the Secretary.

Hearings were held by the Under Secretary on March 2 and 3, 1961. Statements and testimony were presented by Special Assistant Williams, by representatives of the 18

companies, by representatives of the labor unions who have been conducting organizing activities among employees of these companies, and by various State and local public officials. Minister Eugenio de Anzorena of Mexico attended these hearings.

The statements and testimony presented in these hearings and the accompanying record require clear and perhaps overdue recognition of two distinct, though interrelated, aspects of this matter.

One appraisal of this situation would be limited to the exercise by the Secretary of his own judgment as to whether the situation in the Imperial Valley area today is such that the continued employment of Mexican workers by some or all of these 18 employers would present a menace to the health or safety of the Mexican workers.

My conclusion, as a matter of personal judgment, is that such continued employment would not today present the menace to health or safety identified in article 7(d)(2).

This conclusion proceeds, as does Mr. Williams', from full acceptance of the fact that the situation which has developed in the past 2 months in the Imperial Valley, in connection with the lettuce harvest, is an extremely unfortunate one. The attempt there to organize the domestic workers in the lettuce fields and the opposition to this organizing effort has given rise to a series of disturbing developments.

There have been allegations from time to time by the employers that the picketing and striking by the organizing unions has been marked by violence and intimidation. They have obtained injunctions on this basis. Yet they say now, to the contrary, that the picketing and striking has been, with one or two isolated exceptions, completely peaceful. I find this to be true.

Yet it is also true that there have been over 300 private citizens deputized by the sheriff of Imperial County on the basis of claimed necessity to cope with this situation. Some of these deputies have carried firearms in the course of their exercise of their authority. There have been some 50 arrests of union organizers on one basis or another. It has been felt necessary to put armed patrols at night around some of the camps where the Mexican workers live. There have been demonstrations of one kind or another. There was, at least for a time, great tension in the area and obvious reason for concern about outbreaks of trouble which, if it had developed, might have affected adversely the safety of the Mexican workers.

Such outbreaks have not developed. There were incidents at two of the labor camps in early February. They apparently started with demonstrations by the organizing unions outside the camps, although it would be impossible to say that these were any more the causes of the broader trouble than the result of it. The 50 arrests followed these incidents. In one of them, two Mexican workers were hurt, fortunately not seriously. The two camps were closed.

In the past month there has been no serious trouble of any kind. There is still tension. Yet what picketing has gone on has been entirely peaceful, even desultory. The two camps remain closed. The Mexican nationals go about their work and their living without threat of any identifiable kind to their safety. One explanation of this improvement is that it is a result of the special measures which have been taken to augment the forces of law and order in the valley. There is as much reason to conclude that there has been a substantial lessening of the causes of tension—the early organizing activities and the reactions to those activities, including what appears to have been overzealousness in the deputies' exhibitions of their authority.

On February 23, 1961, the Governor of California, Edmund G. Brown, advised me by telegram, with particular reference to this situation, that "the health and safety of all persons within our border are secure." There have been similar representations from other officials of the State of California, and of Imperial Valley.

It would be properly concluded, based on the record of the March 1 and 2 hearings, that there is not presently any identifiable threat to the health or safety of the Mexican workers on these ranches, and there is every reasonable and practical assurance that this will continue to be the case.

This conclusion makes it unnecessary to reach any final determination regarding the significance which the Williams Notices attach to the fact of picketing, as such, in extending a "menace to health or safety" condition from one ranch to another. It would be my tentative judgment, however, that peaceful picketing of a ranch is not enough, in itself, to warrant the conclusion that the situation there presents a menace to the health or safety of the Mexican workers employed on that ranch. Mr. Williams indicated at the hearing, in this connection, that his action was in fact based upon the finding of a general condition in the area rather than upon the situation on any particular ranch.

What has been said here so far, however, omits any reference to what I must conclude is the controlling factor in this entire matter. This is the position which has been taken by the Mexican Government.

On February 1, 1961, the consul of Mexico in Calexico, Calif., Humberto Martinez Romero, wired Mr. Edward F. Hayes, manager of the Imperial Valley Farmer's Association, requesting that "all Mexican farmworkers under contract with your association who are at present time at property of 15 user members where strike is in progress be immediately transferred to work for other user members of your association where there is no strike." On this same day, Mr. Hayes replied to Mr. Romero, advising him that in view of certain stated considerations he would withhold any action pending further clarification.

On February 2, 1961, a letter was sent to me by Minister Eugenio de Anzorena regarding this matter.

This letter referred to "the seriousness of the strike situation in the Imperial Valley of California as it affects nationals of the Republic of Mexico," identifying this as "a matter of serious concern" to the Mexican Government. The situation in the Imperial Valley was characterized as involving "an atmosphere of danger to (the Mexican workers') safety and well-being" and as "having all of the undertones of holding Mexican citizens in peonage." There was reference to "placing the Mexican workers behind locked gates." The letter concluded that "it is the position of the Government of Mexico that it is asserting its sovereign right to protect its nationals when it requests that they be removed from the struck places in order to assure the safety of its own countrymen."

I met on February 8, 1961, with Minister de Anzorena. I advised the Minister of my intention to dispatch a special representative of the Department to the Imperial Valley to conduct an investigation of this situation and to exercise certain specially delegated authority in the discharge of responsibilities identified in article 7(d)(2) of the Migrant Labor Agreement.

Subsequent letters addressed to Minister de Anzorena under dates of February 21, 1961, and February 24, 1961, by Assistant Secretary of Labor, Jerry R. Holleman, and Director of the Bureau of Employment Security, Robert C. Goodwin, reflect the continued urging of the Mexican Government that all Mexican nationals be withdrawn



from all properties of companies which had had any of their ranches struck.

The issuance of the notices by Mr. Williams came at approximately this same time.

There was subsequently transmitted to me, under date of February 28, 1961, delivered by hand on March 1, a letter from the Mexican Ambassador, Antonio Carrillo Flores. This letter recited the Mexican Government's understanding of the Imperial Valley situation as follows:

"In one of the demonstrations Mexican workers were injured and had to be hospitalized. The situation is so serious that Mexican workers have to be kept behind locked gates guarded by armed deputies. The transfer of Mexican workers from one farm or field owned or operated by a struck employer to another farm or field owned or operated by the same or by another struck employer, within the Imperial Valley, does not lessen the menace to their safety."

In this letter Ambassador Flores stated:

"My Government has requested me to convey to you its most serious concern over the conditions under which Mexican citizens continue to be employed in the Imperial Valley of California."

The letter concluded:

"Pursuant to instructions from my Government, accordingly, I am again urging removal of all Mexican workers from all fields of struck employers, within the Imperial Valley, as contemplated in these circumstances by the Migrant Labor Agreement of 1951, as amended."

In the notices which he issued, Mr. Williams recites as one of the facts and circumstances forming the basis of his action:

"The Government of Mexico has repeatedly sought the removal of its citizens from the employ of employers involved in labor dispute situations for the protection of their safety."

I am impelled to the conclusion that the circumstances require and warrant compliance with the request and urging of the Mexican Government.

This would be my conclusion even if the determination were limited to considerations of international obligation. The workers involved here are Mexican nationals. The Mexican Government's representations have continued over an extended period of time. They are based on a specific reference to that Government's assertion of its sovereign right to protect its nationals. Such representation could not, under the circumstances, be legitimately disregarded.

My recommendation is not confined, however, to considerations of obligation. I have stated my own confident conclusion and judgment, based on the record of the March 1 and 2 hearings, that the present situation in the Imperial Valley no longer includes any menace to the health or safety of the Mexican workers there, and that this condition may be expected to continue. I recognize fully, however, that the history of this situation would justifiably put it in a quite different light in the eyes of the responsible officers of the Mexican Government who very properly see it as their obligation to avoid even the remote possibility of risks to the safety of Mexican nationals in an area outside Mexico's borders. If the question, though it would be presumptuous, were whether the facts of this situation would warrant a reasonable conclusion, by those charged with the responsibilities of the Mexican Government, that revocation action is necessary here, the answer would have to be clearly affirmative.

I accordingly must deny the appeals from the notices issued by Mr. Williams on the basis that any different action would be inconsistent with appropriate compliance with the official request of the Mexican Government.

It seems to me appropriate, at the same time, to note that the incidents referred to

by Minister de Anzorena and Ambassador Flores occurred almost a month ago. It is my considered judgment, incorporated in this report, that the possible crisis of tension which existed at that time has passed, and that the situation is at present such that it does not present any menace to the health or safety of the Mexican workers who are involved. I am prompted to suggest that a review by Ambassador Flores of the information regarding the present situation would be important both in terms of serving the immediate common interests involved and in terms of establishing the firmest possible basis for the future administration of this program.

In conclusion:

I find:

(1) That the situation in the Imperial Valley be recognized as appearing from the record of the hearings of March 1 and 2 not to present any menace to the health or safety of the Mexican workers employed in the lettuce fields;

(2) That the present appeals from the Williams' notices be nevertheless denied in the light of the requests and urging of the Mexican Government;

(3) That independent rulings revoking outstanding authorizations be issued in accordance with the Mexican Government's requests;

(4) That this situation warrants further, continuing and perhaps immediate review by the Mexican Government of what may very properly be considered changed and improved conditions.

#### DECISION OF THE SECRETARY OF LABOR, MARCH 4, 1961

(In the matter of the appeal of Admiral Packing Co., Sam Andrews Sons, Bud Antle, Inc., Arena Imperial Co., Fred Bright Co., J. J. Crosetti Co., Danny Danenberg, D'Arrigo Bros., Charles Freedman Co., Farley Fruit Co., Garin Co., Giffin & Allen, William B. Hubbard, Jackson Produce, Inc., Jerome Kantro Co., Royal Packing Co., Salinas Valley Vegetable Exchange, Thor Packing Co.)

This matter is before me on an appeal by the above-named parties from the Notice of Immediate Action under article 7 of the Migrant Labor Agreement of 1951, as amended, issued to each of the parties by Lee G. Williams pursuant to authority vested in him under delegation of authority dated February 11, 1961, from Robert C. Goodwin, Director of the Bureau of Employment Security.

The aforesaid Notices of Immediate Action issued between the dates of February 23, 24, 25, and 27, 1961, revoked all certifications and authorizations of the parties insofar as they permitted them to employ Mexican workers admitted to the United States under the terms of Public Law 78, 82d Congress, at any location which is picketed in connection with an alleged labor dispute and further revoked all certifications and authorizations issued to the Imperial Valley Farmers Association to the extent that they would permit the employment of such Mexican workers at such locations.

This action was taken by Williams under the provisions of article 7(d)(2) of the Migrant Labor Agreement of 1951, and was predicated by him on the conclusion that the lives, health and safety of the Mexican nationals affected by his order will be jeopardized by delaying the revocation of the certification and authorization of the above parties to employ them at said locations.

This appeal was heard, at my instruction, by the Under Secretary of Labor on March 2 and 3, 1961. His report and recommendation has been submitted to me today. Having given careful consideration to it, I adopt the conclusions reached therein as my own and the recommendations made therein as most appropriate in these circumstances.

The appeals of the above-named parties are accordingly denied.

ARTHUR J. GOLDBERG,  
Secretary of Labor.

#### REVOCATION ORDER OF THE SECRETARY OF LABOR

Having reviewed the report and recommendations submitted to me by W. Willard Wirtz, Under Secretary of Labor, with respect to hearings held by the Department of Labor on March 3 and 4, 1961, and having adopted the recommendations made therein, I hereby order that the certifications and authorizations of the parties listed below to employ any Mexican nationals under the Migrant Labor Agreement of 1951, as amended, be and are hereby revoked and the certifications and authorizations issued to the Imperial Valley Farmers Association, insofar as they permit the employment of Mexican nationals under said agreement by said parties, are hereby revoked: Admiral Packing Co., Sam Andrews Sons, Bud Antle, Inc., Arena Imperial Co., Fred Bright Co., J. J. Corsetti Co., Danny Danenberg, D'Arrigo Bros., Charles Freedman, Farley Fruit Co., Garin Co., Giffin & Allen, William B. Hubbard, Jackson Produce Inc., Jerome Kantro Co., Royal Packing Co., Salinas Valley Vegetable Exchange, and Thor Packing Co.

The Imperial Valley Farmers Association is further requested and directed, to the extent practicable, to reassign such Mexican workers to other authorized user members of the association for approved agricultural employment. If such reassignment is not practicable, the affected workers are to be returned to the appropriate reception center and their contracts canceled in accordance with established procedure.

Date: March 4, 1961.

ARTHUR J. GOLDBERG,  
Secretary of Labor.

Mr. MORSE. Mr. President, I now turn to another statement by Mr. Goldberg, dated June 13, 1961, before the Agricultural Research and General Legislation Subcommittee of the Committee on Agriculture and Forestry, with respect to proposed legislation to extend the Mexican farm labor program. It is a very courageous statement, the kind of statement we expect from the industrial statesmanship of a man such as Arthur Goldberg.

An interesting thing about this Secretary of Labor is that it is difficult to find among the leaders of industry, the industrial statesmen within industry, those who will criticize the impartiality, the fairness, the ability, and the dedication to the responsibilities of his job of Arthur Goldberg. One cannot read the statement I am now about to make a part of my speech without realizing that the leaders of industry are justified in having that confidence in Mr. Goldberg. I do not need to labor the point that the same high confidence is vested in him by the labor leaders of America.

I invite attention to this paragraph from Mr. Goldberg's statement of June 13. He said:

But it should be equally clear that the administration opposes any extension of this law unless it is appropriately amended to provide sorely needed protection for our own workers; protection against the rampant competition for available jobs from an almost inexhaustible reservoir of foreign workers accustomed to work for wages and under conditions which compared with ours are substandard and which we have long relegated to the past.



As I am about to close, I direct my attention to my Democratic colleagues.

Mr. President, I ask unanimous consent that the statement of January 13 by Secretary of Labor Arthur J. Goldberg before the Committee on Agriculture and Forestry concerning the Mexican farm labor program be printed in full at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF THE HONORABLE ARTHUR J. GOLDBERG, SECRETARY OF LABOR, BEFORE THE AGRICULTURAL RESEARCH AND GENERAL LEGISLATION SUBCOMMITTEE, SENATE COMMITTEE ON AGRICULTURE AND FORESTRY, ON LEGISLATION TO EXTEND THE MEXICAN FARM LABOR PROGRAM, JUNE 13, 1961

I welcome this opportunity to present the views of the administration and to express my personal views on legislation which this committee is considering for improving the Mexican labor program and for its extension for an additional 2 years.

To remove any doubt as to the administration's position, I would like to state at the outset that we are not advocating the termination of the program. On the contrary, fully mindful of the uncertainty of meeting the labor requirements at this time of our agricultural producers entirely from our own labor supply, we recommend the extension for a 2-year period of Public Law 78—the law which provides the basic authority for the Mexican labor program.

But it should be equally clear that the administration opposes any extension of this law unless it is appropriately amended to provide sorely needed protection for our own workers; protection against the rampant competition for available jobs from an almost inexhaustible reservoir of foreign workers accustomed to work for wages and under conditions which compared with ours are substandard and which we have long relegated to the past.

The basic question is, Do we not have a solemn responsibility to our own workers to provide safeguards against the adverse impact upon their wages, working conditions and employment opportunities that must inevitably flow from the large scale use of foreign supplemental labor?

There are two bills presently before this committee, H.R. 2010 and S. 1945.

H.R. 2010 would merely extend Public Law 78 for an additional 2 years without amendment. S. 1945 would extend the program for 2 years but with basic amendments to protect the interests of domestic agricultural workers. The amendments are as follows:

1. Authorize the Secretary of Labor to limit the number of Mexican nationals that may be employed by any one employer to the extent necessary to assure active competition for domestic workers.

2. Require growers to offer conditions of employment to domestic workers comparable to those they must provide Mexican workers.

3. Prohibit the employment of Mexican workers in other than temporary or seasonal work or in work involving the operation of power-driven machinery.

4. Provide that employers using Mexican workers must pay them wages at least equivalent to the State-wide or National average rate for hourly paid farm labor, whichever is the lesser. The maximum increase in any one year would be the equivalent of 10 cents per hour.

The administration supports S. 1945.

Programs for the admission of Mexican agricultural workers have been with us for almost 20 years. The present program stems from governmental arrangements concluded during World War II. At no time during

the war years did the numbers exceed 175,000 in any 1 year. With the cessation of hostilities the program tapered off until the Korean emergency again created manpower stringencies. The need was felt for an orderly method of supplementing available domestic workers, and in 1951 Public Law 78 was enacted. The law, implemented by an international agreement with Mexico in the same year, has been extended, with minor amendments, from time to time since then.

Under Public Law 78 approximately 200,000 Mexicans were brought in annually between 1951 and 1953. From that time it increased until it reached a peak of approximately 445,000 in 1956. In 1960 due to mechanization of the cotton harvest the number decreased to about 315,000.

During the House consideration of similar legislation this year, considerable argument was advanced designed to show the need for a continuation of the program. Since the administration is not opposing an extension of an improved law, such arguments are not relevant. The sole question which we are now considering is what terms and conditions are necessary, when admitting Mexican workers, to avoid undermining the economic conditions of our domestic farmworkers.

Approximately 2,200,000 American farmworkers who depend for their livelihood on farm employment are in some measure affected by the Mexican labor program. But the impact of mass importation of foreign agricultural workers falls with the greatest severity upon our migrant agricultural workers—the segment of our labor force whose shocking living and working conditions have increasingly become the subject of public scrutiny in the press, over the radio, on television, in the pulpit and in the Halls of Congress.

The majority of American migrants, moving in vast streams out of the South and Southwest each spring, exist for the most part in a shadowy world of poverty, privation, lack of opportunity and living conditions intolerable by any standards. Each year approximately 500,000 American farmworkers migrate with their families in order to avoid either unemployment or low wages at home. All too frequently they are quartered in unsanitary and substandard housing; transported in unsafe buses and trucks which has subjected them to a high incidence of accidents resulting in death and serious injury. Because they are constantly on the move, their children are denied the opportunity to receive a minimal education, while restrictive residence requirements deny them public health and welfare services. The conditions of these families are an affront to American concepts of human dignity.

The unpleasant truth is that the migratory labor system in the United States is based on underemployment, unemployment, and poverty. This is not a small problem. The Department of Agriculture estimates that underemployment alone in rural areas of our Nation is the equivalent of 1,400,000 fully unemployed people. The earnings of agricultural workers average barely over \$1,000 a year.

Farmworkers are excluded from minimum wage, unemployment insurance, almost all workmen's compensation legislation and most other social legislation. In addition, they are excluded from legislation which protects the right of workers to organize and bargain with their employers.

We, as a Nation, take pride in our concern for the dignity of the individual; but the apathy that has been demonstrated toward this lingering social problem seems to us to be an abdication of our responsibilities. At a time when we are engaged in a bitter struggle to advance the cause of democracy throughout the world, this social and economic blight at home has become a matter of embarrassment to the United States.

The emphasis in our foreign aid policy is reflecting a greater concern for the individual in the underdeveloped countries throughout the world. We are accenting the need for improving the standard of living of these poverty ridden people. While we have necessarily expended hundreds of millions of dollars in this effort, we must equally measure up to our responsibilities toward our own agricultural workers who, in our midst live in poverty and degradation. The conditions under which these men and women live and work is contrary to our democratic institutions and ideals. In the interest of simple humanity, we should not tolerate these conditions.

The present administration is firmly of the view that the time for studying the migrants' problem is past; the time for remedial action is long overdue. This blemish in our social order must be eradicated. While some progress has been made it is not nearly enough.

For its part, the Department of Labor is now considering ways and means of improving and extending existing programs for farmworkers in order to assure greater continuity in employment and higher earnings.

To me it appears highly inconsistent, however, to attempt to improve the lot of the migrant workers through the series of bills which the Congress is now considering while requiring these workers to compete, without adequate legal protections to safeguard their interests, with an inexhaustible supply of foreign workers.

The nature and size of the Mexican labor program substantially interfere with the normal operations of the law of supply and demand in the labor market. The inexorable result is to stabilize or depress the wages of our own farmworkers in areas where Mexican braceros are employed. My concern over this problem was shared by my predecessor in office, the distinguished James P. Mitchell. It has been highlighted in a report of a committee of prominent consultants who were appointed by Secretary Mitchell to study the matter.

Although we are concerned with the impact of the Mexican labor program on the economic conditions of domestic farmworkers, we are in no way critical of the Mexican workers as individuals. We value them highly as respected neighbors. They have proved to be dependable and competent workers and have contributed a great deal to the Nation's agricultural production.

To meet these problems, the administration recommends the enactment of Senator McCarthy's bill, S. 1945. This bill is designed to assure that the Mexican labor program remains a truly supplemental labor program rather than a program to substitute Mexican workers for United States workers.

We have been urged by many groups and individuals to oppose any extension of Public Law 78. This position, we believe, is too extreme. The administration's proposals would extend the program for 2 years with reasonable and moderate amendment.

First, the Secretary of Labor would be provided with authority, in connection with his certifications under section 503, to limit the number of foreign workers who may be employed by any employer to the extent necessary to assure active competition among farmers for the services of U.S. farmworkers.

As I indicated above, we find that because of the Mexican labor program, there has been a substantial deterioration of employer recruitment programs and of the labor relations practices designed to maintain a stable and productive work force. The results are that employers of Mexican workers frequently pay lower wages to domestic workers than the employers in the same activity and area who depend upon U.S. agricultural workers. They are under no real compulsion to attract additional U.S. farmworkers, with re-



suits that are clearly adverse to the interests of our own farmworkers.

The most tangible result of the ready supply of Mexican workers is its depressing effect upon wages. The failure to make the special effort to offer other working conditions that are necessary to maintain a satisfied work force, however, may be even more detrimental to U.S. farmworkers and a significant factor in the failure to obtain them.

All efforts to protect our farmworkers from these effects of the Mexican labor program in a meaningful manner heretofore have been unsuccessful. Clearly, employer responsibility to recruit and retain U.S. farmworkers is required in the law. The incentive for employers of Mexican workers to do a better job of domestic recruitment and labor relations will be increased under this amendment. Where necessary, each employer of Mexican workers will be required to maintain a fair, specified proportion of domestic agricultural workers in his work force.

In this connection, I am somewhat disturbed by allegations that our domestic workers are an unstable and unreliable source of labor; that employers experience, notwithstanding their best recruitment efforts, large turnover in their domestic labor force. In my judgment, this is a most unjust characterization of our domestic agricultural labor force.

Thousands of farmers throughout the country depend exclusively upon domestic agricultural labor to plant, cultivate, and harvest their crops. It is evident that when dealing with a large number of domestic workers or foreign workers there will be those in both categories who will not fulfill their obligations. In varying degrees, some Mexican workers have failed to complete their contracts without justifiable reasons. I think it is significant that approximately 500,000 domestic migrant workers year by year leave their homes in search of employment. It is inconceivable to me that these people would be willing to subject themselves to the privations and hardships under which they live and travel if they were not sincerely and genuinely interested in obtaining remunerative employment.

We should also take note that to a great extent they move from the low wage areas to seek better employment opportunities.

My experience convinces me that the stability of a work force is directly related to the efforts and interests of the employer in providing the worker with satisfactory employment. A dependable work force is obtained not alone by the payment of transportation. While this may be a significant factor in obtaining the workers in the first instance, whether a worker is satisfied with his employment depends in a large measure upon day-to-day treatment accorded him by his employer; it depends upon the interest the employer manifests in his welfare; it depends upon the wages and working conditions, the housing provided him and a variety of other factors which employers who successfully recruit and retain workers have learned are important in assuring themselves of a competent and dependable work force.

I would like to point out that generally where decent wages and working conditions are offered, domestic labor is available. It is available, for example, in the State of Washington where wages are \$1.25 an hour, as compared to 50 cents an hour in other areas and, where growers participate in an annual worker plan, and sometimes advance transportation costs to American migrants. It is available in the State of Oregon where the State legislature has enacted legislation improving conditions for American farmworkers. It is available in northern California, where American workers can earn as much as \$1.50 an hour on some tree crops. On the other hand, we cannot expect to

attract domestic workers to areas which pay less than 50 cents per hour.

I have also heard from time to time the complaint that domestic workers will not accept certain agricultural employment, such as "stoop labor," regardless of the wages and working conditions offered. This contention does not square with the facts. Good cases in point are the States of Mississippi and Louisiana. In the early days of the Mexican labor program, these States used a substantial number of Mexican workers. The employers in these States, however, decided that it was in the best interest of the local economy to utilize domestic agricultural workers and are no longer employing Mexican labor. In these States, as in many other States, domestic agricultural workers are performing "stoop labor." For example: More foreign workers are used in the cotton harvest than in any other crop. In this activity which involves exclusively "stoop labor", four-fifths of the entire labor force is comprised of domestic agricultural workers.

Approximately 64 percent (70,000) of all the workers employed at the peak of the tomato harvest, the second largest crop in which foreign workers are used, are domestic agricultural workers. Approximately 39,000 Mexicans are used in this activity at peak, almost all in the State of California.

Even in Texas, California, Arkansas, Arizona, and New Mexico, the five States using the greatest number of Mexican workers, the majority of the total hired agricultural labor force during the same time, in the same States, in the same areas and in the same activities, are domestic workers.

The theory that domestic agricultural workers will not accept work which is unpleasant or undesirable is not supported by the facts. Innumerable American workers are employed in a variety of difficult and unpleasant jobs, such as mining, operation of garbage trucks, sewer maintenance, cesspool workers, sand hogs, boiler stokers, blast furnace workers and others.

It is thus apparent that the allegations that domestic workers will not accept the type of employment for which Mexicans are used is without foundation.

For the reasons I have stated I believe that the administration's proposal to permit the Secretary of Labor to limit the number of Mexican workers employed in the United States is necessary to stimulate more vigorous recruitment programs to the end that there will be a greater utilization of the domestic labor force.

The second substantive amendment provided in S. 1945 would make Mexican workers available only to employers who have made reasonable efforts to attract domestic workers at terms and conditions of employment reasonably comparable to those offered to foreign workers.

Under existing law, the Secretary of Labor must certify, before foreign workers may be made available, that domestic workers have been offered wages and standard hours of work comparable to those offered to Mexican workers. No provision is made for offering to domestic workers the other material benefits which, under the Migrant Labor Agreement, are provided the Mexican workers. These include workmen's compensation or occupational insurance coverage for the Mexican farmworkers, as well as free transportation, free housing, subsistence when work is not available, written contracts and work guarantees.

S. 1945 would condition the availability of the Mexican workers to any employer on the employer's offer to domestic farmworkers, not only of comparable wages and standard hours of work, but also of other, comparable benefits.

The effect of this amendment is that the available job offers would be made more attractive for domestic workers at costs for

such benefits generally the same as those the employer now incurs when he obtains Mexicans. It would also remove the anomaly and injustice that has done so much to arouse public sentiment against Public Law 78, its maintenance of higher labor standards for foreign workers than those accorded our own workers.

The amendment does not require precisely the same terms and conditions to be offered as are extended to Mexicans. It is contemplated that appropriate recognition would be given to the differences between the situation of the domestic workers and the foreign workers.

For example, for local workers who have their own homes in the area of employment, it would not be reasonable to require the employer to offer free housing. Local workers would be reimbursed with monetary allowances in lieu of housing and of daily transportation to the job when these benefits are not provided. The requirements that local workers be offered a written contract, the three-quarter guarantee of employment, and subsistence payments would be waived in instances where they are clearly inappropriate.

The principal impact of certain features of the amendment relates thus to recruitment of nonlocal workers. Those assurances should make acceptance of out-of-area seasonal farm employment a feasible choice for many more unemployed and underemployed.

The provision of comparable benefits to domestic migrants poses some special problems as it relates to housing. The obligation to provide free housing, as is provided Mexican nationals, should not be expanded, on a mandatory basis, to the free provision of family housing for dependents not part of the work force. Here again a monetary allowance of roughly equivalent to the cost of housing a single worker can be provided.

We are, of course, aware of the complaint filed by some employers of unsatisfactory results from their recruitment of distant workers. Cases have been cited in which workers transported at the employer's cost have not completed the work required for the harvest. Here I would like to advert to my previous observation that generally the dependability of a work force has a direct relationship to the treatment accorded the workers and the terms and conditions of their employment. For example, a study made by the State of Washington in 1958 disclosed that approximately 100 crew leaders with 3,600 workers were recruited in Texas through the annual worker plan, directed and coordinated by the Department of Labor, for employment in the State of Washington. Farmers in the State of Washington advanced more than \$110,000 to those crew leaders by sending cashiers' checks or Western Union money orders to them in care of the Texas Employment Commission's local offices. All but two of these crew leaders reported for work with crews and proved eminently satisfactory—the total loss \$250. This is only one illustration which, I am sure, can be duplicated throughout the country.

While the experience of many other employers who provide transportation to workers has been gratifying, the Department recognizes that many employers are honestly and legitimately concerned with the uncertainties involved. Accordingly, we propose to provide that the employer who chooses may, in lieu of providing transportation in advance, agree rather to reimburse workers for their transportation costs, after the fact, in proportion of the agreed contract which the worker fulfills. However, this should not permit practices that are less liberal than those prevailing in the area. This will, I believe, remove any reasonable objection on the part of employers to paying for domestic workers, as they do for Mexican workers, the cost of transportation to



the job and of their return home on completion of the contract.

Fear has been expressed by some that the Department of Labor, in proposing that domestic farmworkers be afforded terms and conditions reasonably comparable to those provided Mexican workers, is seeking broad discretionary power which might be exercised in an arbitrary manner. The area of uncertainty seems to be centered around a method of converting transportation and housing allowances into cash payments.

I find it rather strange that this same fear has not been manifested in connection with a present provision of Public Law 78. Under that provision, in any case in which a Mexican worker is not returned to the reception center, the employer is required to pay an amount determined by the Secretary of Labor to be equivalent to the normal cost to the employer of returning other workers to the reception center. The administration of this provision involves the exercise of discretion on the part of the Department. Although thousands of dollars have been paid by the growers to the United States on the basis of estimates made by the Department of Labor, there has been no accusation of any arbitrary or capricious action on the part of the Department. As a matter of fact the Department on its own initiative in 1954 proposed and obtained an amendment which provided authority to relieve employers of double assessments which were required in some cases under the provisions of the law.

In the light of this experience, fear of arbitrary action on the part of the Department is certainly not well founded. Far from granting new undefined authority to the Secretary, the "comparable terms and conditions" principle is specific and limited. The terms and conditions provided the Mexicans are spelled out in considerable detail in the agreement with Mexico. These would provide a specific outer limit upon what the employer would be required to offer to domestic workers. To me, it is indeed anomalous that a citizen of the United States who presents himself for employment in this country can under the law be told that foreign workers are entitled to greater benefits when employed in the United States than he can obtain. U.S. citizenship thus becomes a liability in the United States.

We also recommend an amendment contained in S. 1945 to prohibit generally the employment of Mexican workers admitted under Public Law 78 in other than temporary or seasonal work or in work involving the operation of power-driven machinery. The Secretary could grant temporary exceptions where he believes this necessary to prevent undue hardship. He would use this authority to permit gradual adjustment where farmers are now dependent upon Mexican workers for year-round or machine jobs.

Although we believe that the Mexican labor program when initially enacted was viewed as a means of meeting seasonal shortages of unskilled field hands, this purpose was not specified in the law. Consequently we now have substantial numbers of braceros employed on mechanical equipment and additional thousands in year-round jobs. In view of the substantial underemployment and unemployment characteristics of our own farm work force, the alleged shortage of U.S. workers for skilled and year-round jobs are believed to reflect problems of wage levels and employee relations rather than true shortages of labor. We believe that the Congress should so conclude, leaving the Secretary with discretion only to grant temporary exceptions in specific hardship cases. We are not now even considering the question of "stoop labor" but of employing braceros to operate costly machinery and in year-round occupations. In my opinion, there is no question but that domestic workers will accept such employment provided that the wages and conditions of work are

reasonable. Whenever there is a need for additional workers for year-round employment which cannot be met from our domestic labor force, they should be admitted under the provisions of the Immigration and Nationality Act which deals with the permanent admission of workers for employment in the United States.

The administration's recommendations for legislation extending the Mexican labor program, as contained in S. 1945, would also enact into law a definite policy with respect to wages of Mexican workers that must be offered and paid by employers seeking authorization to employ such workers.

The prevailing wage principle that has been our basic guide in this matter is a proper protection for Mexican workers and must continue to be used for this purpose. We now know, however, that the prevailing wage principle applied to a massive foreign worker program tends to prevent wages from rising. That this has actually occurred over the last 8 years, to a serious extent in many areas, is now a matter of common knowledge.

In areas where a large number of Mexicans are used, it is difficult to arrive at a valid method for determining the prevailing wage required to be paid Mexicans so as not to reflect merely the wage received by those workers from year to year.

The Department has made strenuous efforts during the last few years to avoid this. These efforts have not met with success. And in some areas the employers of Mexican labor have initiated wage increases designed to overcome adverse effects of the Mexican labor importation. Unfortunately, these have been in the minority.

In numerous other areas the wage rates in the specific activities in which Mexican workers are employed have remained static or even declined. To illustrate, Mexican nationals were employed in 1951, after Public Law 78 was enacted, at an hourly wage of 50 cents per hour in Arkansas, Missouri, Texas, and New Mexico. Ten years later, in 1960, this was still the rate normally paid braceros in most areas in these States. In the meantime, of course, the average wage rate for all hourly paid farmworkers in these States as well as in the Nation as a whole was increasing significantly.

The availability of braceros at these static rates throughout this 10-year period has tended to place a ceiling upon the wage offered U.S. workers engaged in similar work in the areas where braceros are employed.

To these illustrations of static wages in the presence of substantial Mexican employment can be added many others. Of the 123 wage surveys made in 1960 in specific areas and activities employing Mexican workers, it was found that the wage prevailing among U.S. workers had remained static from the previous year in 67 percent of the cases. It had actually declined in 15 percent. In the face of generally rising farm wages, this tendency to remain stable or decline where Mexican workers are employed is, in my view, a direct outgrowth of the Mexican labor program. This is a central problem in the way the Mexican program operates today, and the reason why we urgently need corrective guidelines of the type proposed in S. 1945.

In far too many areas employers have not, since the inception of this program, voluntarily introduced any wage increases and have vigorously opposed any efforts of the Department to give meaning and effect to the statutory responsibility of the Secretary not to make Mexican workers available under circumstances which would adversely affect the wages and working conditions of our own agriculture workers. We have found ourselves in endless litigation challenging the validity of the Department's policy and criteria to prevent such adverse effect even where the policies of the Department would

require the payment of wages which would produce minimum earnings of 50 cents per hour.

In light of this experience and in view of the unrelenting resistance to the Department's efforts to carry out its responsibilities under Public Law 78, we have concluded that statutory standards should be prescribed by the Congress to avoid the continuous and irksome friction that has characterized the program; and which has in effect tended to impair the safeguards which the law purports to provide.

To this end, the administration recommends an amendment, as contained in S. 1945, which would require employers with labor shortages sufficient to warrant bringing in foreign workers to offer to such workers wages at least equal to the statewide or national average rate for hourly paid farm labor, whichever is the lesser. This would be applicable only to those employers who are seeking to obtain Mexican workers. Where employers requesting Mexican workers are not offering at least this much, they would be expected to bring their wage offers up to this level. In no case would employers be required to increase their wages by more than the equivalent of 10 cents per hour in any 1 year. We believe that this formula will prevent the stagnation and/or depression of farm wages in some areas where large numbers of braceros are employed; it would simply cause wages in these activities to keep pace with farm wages generally. No employer willing to offer average wages would be deprived of needed braceros by this amendment.

We are of the view that we presently have the authority under existing legislation to require this; that the adoption of this formula by the Department would be a reasonable exercise of the Secretary of Labor's statutory responsibility under title V of the Agricultural Act of 1949 (Public Law 78) not to make Mexican workers available unless he can certify that their employment will not adversely affect the wages and working conditions of domestic workers similarly employed. We believe that this is a fair and appropriate standard by which to test such adverse effect.

The simple fact is that whenever the Department of Labor has adopted any measure to give meaning and effect to this statutory requirement, the authority of the Secretary of Labor has been vigorously contested, in and out of court. In fact, in the most significant cases in which such restraining orders have been issued, even though set aside at a later date, it has been due only to the action of the Mexican Government in withholding their nationals that the adverse effect has not been greater. Because we have been subjected to restraining orders and to other litigation that vitiates that authority, we believe that the time has come to remove any doubt as to the validity of the Secretary's actions through a specific legislative standard.

This is not, I believe, contrary to a resolution passed in December 1960 by the American Farm Bureau Federation favoring extension of the Mexican labor program. This resolution read, in pertinent part:

"We favor the establishment of statutory standards for the exercise of the broad discretionary authority now delegated to the Secretary of Labor. We strongly oppose the delegation to the Secretary of discretionary authority even broader than he now has."

I am somewhat perplexed by the dilemma in which the Department finds itself. On the one hand, when it endeavors to establish standards to give effect to its responsibilities under the law, its authority to adopt such standards is forthwith challenged on the grounds that the Secretary of Labor is attempting to usurp Congressional prerogatives. On the other hand, the same groups are here opposing a proposal on the part of



the Department to avoid such problems in the future by requesting an amendment which would provide statutory standards and remove any further question as to whether or not the standards are within the congressional contemplation.

During the House debates on H.R. 2010 and the amendments introduced similar to those contained in S. 1945, it was repeatedly argued that the Department of Labor already has authority under present law to put into effect the recommendations of the administration. We do not concur in this conclusion, at least with respect to some of the amendments. To the extent that such authority presently exists, the purpose in requesting statutory guidelines is to eliminate any further question as to the propriety of action taken by the Department to protect the interests of our domestic agricultural workers within the contemplation of Public Law 78.

To meet these problems adequately the administration recommends that if Public Law 78 is to be extended for 2 years, it should be amended as provided in S. 1945.

In closing I would like to observe that there is general recognition of the fact that we are confronted with a serious problem of underemployed and unemployed farmworkers; that these workers and their families live and work under conditions which we cannot in good conscience continue to ignore. We have an obligation to these workers to extend every effort not to aggravate an already intolerable situation by placing them in competition with foreign workers without safeguarding them against the impact of this vast foreign supplemental labor supply.

The time has come for a more realistic approach to this problem. It is time that we cease finding reasons why we cannot utilize more fully our own labor resources. It is time that we begin to think in terms of developing affirmative programs which will bring dignity, social and economic well-being to our own underprivileged agricultural labor force.

Mr. MORSE. Mr. President, to my Democratic colleagues I say once again that this is not the first time in recent weeks when I have had to make this argument. We must make a choice between whether we will support the President of the United States in his program, on the basis of which he campaigned, and in respect to which he made pledges across the country; or whether, as Democrats, we are to pull the rug out from under him once again on another piece of major legislation in the Senate.

It is my opinion that if we adopt the conference report, we will be acting against the recommendation of the administration's leading expert on labor, the Secretary of Labor, and we will be acting against the President of the United States himself.

How many times do Democrats think they can pull the rug from under the President, and then go home to their constituencies and ask for support either for themselves or for the administration?

I say quite frankly that we did it to the President on education legislation—not on S. 1021; but on the bill for the extension of assistance to impacted areas and the NDEA proposal, when the President made a personal plea to strengthen his arm, not to weaken it, we weakened it.

I give, in my speech tonight, the administration's position, presented to Congress, with respect to the Mexican farm labor program. Pending before the

Senate is a conference report which cannot be reconciled with the position of the President.

Are we ready to say that the pledges and promises he has made should not be kept? Are we ready to surrender to the powerful economic interests in this country which want to make exploit profit at the expense of the underprivileged workers in America known as itinerant workers? Is that to be Democratic Party policy? If we make it our policy, we shall have some embarrassing questions to answer on the political platforms, even during the interim between now and the time we return in January; and we shall have more such questions to answer in 1962. If we think the memory of the voters is that short, we are mistaken.

Once more the senior Senator from Oregon, as a player on the President's team, makes the plea: Support your President and vote against the conference report. In my judgment, we cannot square this conference report with the testimony of the President's spokesman, the Secretary of Labor, on January 13 of this year. We cannot square this report with the position taken by the Department of Labor that Public Law 78 can be used, has been used, and undoubtedly will be used in the future if we do not modify it as a strike-breaking law.

I do not believe our President should be placed in a position where, under his leadership, his party sanctions strike-breaking against the most exploited group of human beings in American economic life, the itinerant "Grapes of Wrath" workers in America. In our luxury, our comfort, and our full bellies, we would like to lean back and wishfully think that "The Grapes of Wrath" is no longer applicable in the United States. But it is. If we think it is not, then, as I said the other day, when I made a plea for support of the President with respect to education legislation, Democrats should take a junket into the farm camps of the itinerant workers and see for themselves whether they really want to countenance the inhumanity which is possible under Public Law 78, and against which Secretary of Labor Goldberg testified.

I know it is neither pleasant nor easy to put one's own party on the spot in regard to a great need for reform in the United States. The Democratic Party is the majority party. We cannot pass the buck to any coalition between conservative Democrats and conservative Republicans. We cannot excuse the Democratic Party on the ground that we have not the votes in the Senate, because the voters want to know when we are going to carry out our pledges.

The spokesman for the Democratic Party is the President of the United States. In my judgment, the President, through his Secretary of Labor, has made an unanswerable case against Public Law 78.

Listen to Secretary of Labor Goldberg again, as I read one more paragraph from his statement of June 13, 1961:

But it should be equally clear that the administration opposes any extension of this

law unless it is appropriately amended to provide sorely needed protection for our own workers; protection against the rampant competition for available jobs from an almost inexhaustible reservoir of foreign workers accustomed to work for wages and under conditions which compared with ours are substandard and which we have long relegated to the past.

On June 13 of this year the Secretary of Labor proceeded to document his charges against Public Law 78. He supported the findings I have already recited in regard to Public Law 78 being used as a strikebreaking law in a series of now historic strikes in this country.

As the spokesman for the Democratic President of the United States, he asked the Democratic Members of Congress to eliminate those abuses. In this Congress the Democratic Party is the majority party, Mr. President, and upon it must fall the major blame for not amending Public Law 78 in order to eliminate the abuses the Secretary of Labor referred to on June 13, 1961. I am such a proud Democrat, Mr. President, that I beseech Senators who belong to my party to live up to its responsibility as the majority party. In my judgment our first responsibility is to strengthen the arm of the President by helping him carry out his pledges and the platform of our party.

I rest my case on that premise. I say to the voters of my State that tomorrow I shall vote against agreeing to the conference report. I will vote against agreeing to it, because in my judgment the Democratic administration has made an unanswerable case against the abuses of Public Law 78, and the conference report does not correct those abuses. It does not even eliminate the strikebreaking potential of Public Law 78, and it continues the itinerant farmworkers of America as the forgotten men and women in the wage structure of our country.

How can the Democratic Party justify it? I know that many Democratic Senators will be quick to point out that many Republican Senators voted for it, too. Of course they did; and for 8 years the Eisenhower administration continued those abuses and human injustices. But at least we must admit that the Eisenhower administration appointed, in its closing days, a board of consultants and experts whose qualifications cannot be questioned. I have already placed their names in the RECORD; and they left behind the Eisenhower administration a sound report for consideration by the Democrats, and it is backed up by a Democratic Secretary of Labor.

Mr. President, I believe we should follow where these facts lead. I say to the Democratic Senators—and I say this with the majority leader and with the majority whip now on the floor—that they have a party responsibility to correct these abuses. They cannot pass the buck to a coalition of conservative Republican Senators and Democratic Senators. They must face up to the inhumanity of the treatment that the itinerant farmworkers have been receiving from the Democratic Party; and in my judgment the conference report should be rejected tomorrow, and the Democratic Senators should proceed, if the



conference report is rejected, to support to motion I shall then make—and I pledge now that I shall make it at that time tomorrow—namely, that our conferees be sent to a further conference, with our instructions either to bring back no report at all or else bring back a report which includes the McCarthy amendment.

Mr. President, I yield the floor.

## WORLD ECONOMIC PROGRESS EXPOSITION

Mr. HUMPHREY. Mr. President, I ask the Chair to lay before the Senate House Concurrent Resolution 389.

The PRESIDING OFFICER laid before the Senate House Concurrent Resolution 389, as follows:

Whereas the encouragement of private and public participation in international economic development is vital to the achievement of a free and democratic economic growth process, and the responsibility for stimulating international economic growth, and especially the growth of those nations in the less developed areas, must be shared and supported, in accordance with their capacity, by the peoples of the world, whether as individuals or through their private organizations and their governments; and

Whereas the Government of the United States and its people have consistently endorsed the aspirations of all peoples and nations to realize a free and prosperous society and have, toward these ends, actively supported and participated in programs for free economic development; and

Whereas the success or failure of these objectives and the freedom of the individual, his nation, and the world, depend upon the scope and quality of public understanding and the ability of the individual to focus on this historic movement of our century, and is dependent upon the ability of the leaders in the great endeavor to understand each other and each other's efforts and thus find ways by which mutual efforts can be joined for the good of all mankind; and

Whereas in order to assist in bringing about a greater understanding and acceleration of this effort, a World Economic Progress Assembly and Exposition, privately organized, financed, and sponsored, will be presented in November 1962, in Chicago, Illinois, at the new exposition center known as McCormick Place; and

Whereas the purpose of this assembly and exposition is to bring together for the first time a world assembly to examine and explore the many diverse elements of mankind's struggle to assure to itself adequate food, clothing, shelter, health, education, and other elements of its well-being and to provide the means through exhibits, meetings, and special events to translate what is now a vague topic to many into an understandable reality; and

Whereas further purposes of this assembly and exposition are to provide the opportunity to bring to the United States, which has spearheaded the effort for the betterment of mankind, representatives of national governments and international and national government and private agencies including foundations and educational, religious, labor, banking, and business organizations and institutions and the general public to enable them, and their American counterparts, to come together to report, explain, and evaluate their progress, roles, and operations, catalog needs as yet unmet, exchange views and plan within a coherent framework the new opportunities for private and Government cooperation, chart new and mutually

productive and advantageous paths into a future, and achieve a closer understanding and collaboration in this great and essential endeavor; and

Whereas it is the declared policy of the United States to encourage the contribution of United States enterprise toward economic strength of less-developed countries, through private trade and investment abroad and exchange of ideas and technical information, and to increase mutual understanding between the people of the United States and the people of other countries, using to the maximum extent practicable the facilities of private agencies, and the World Economic Progress Assembly and Exposition will provide a unique and effective means of carrying out these objectives; and

Whereas the President of the United States, recognizing that the assembly and exposition provide a response to the urgent need to broaden understanding, at home and abroad, of the progress and challenge of international economic development and that the participation of the American people through various United States Government programs in the development of the economies of other nations and in the evolution of international economic growth is an integral part of the story to be projected at the proposed assembly and exposition, has therefore instructed the various agencies and departments of the Government concerned to assist in every way possible in contributing to the success of the event: Now, therefore, be it

*Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the World Economic Progress Assembly and Exposition is consistent with the objectives of the Government of the United States and has an unusual opportunity to make a significant contribution to the objectives of the United States and to all who seek to realize a society in which man and nations can realize their potential in freedom and peace.*

SEC. 2. The President of the United States is requested to issue a proclamation reciting the purposes of the World Economic Progress Assembly and Exposition and inviting participation by all concerned with international economic development.

Mr. HUMPHREY. Mr. President, the Senate passed a similar Senate concurrent resolution (S. Con. Res. 41) on the same day. They literally crossed as they came to the respective Houses. Therefore, the Senate is acting on the House concurrent resolution in order to expedite the action of the House.

The PRESIDING OFFICER. Is there objection to the present consideration of House Concurrent Resolution 389?

There being no objection, the concurrent resolution was considered and agreed to.

The preamble was agreed to.

## BASIC RESEARCH: KEY TO SCIENTIFIC PROGRESS

Mr. HUMPHREY. Mr. President, before the second session of the 87th Congress convenes next January, many important milestones in international science and technology will no doubt have taken place, especially in space science.

This first session has taken numerous significant steps for the support of U.S. science. Congress' authorizing and appropriations committees have, I believe, within these past several months made many vital contributions to the cause

of science and of America's preeminence in science.

I have just received a comprehensive report to a series of questions which I had asked regarding one of the most crucial phases of scientific progress—the support of basic research.

### PAST OVEREMPHASIS ON PRACTICAL SCIENCE

I say it is "crucial," because no less an authority than the President's Science Advisory Committee has repeatedly stressed its significance, as have other outstanding authorities—virtually without exception.

But this fact is all too often ignored or downgraded amidst our national preoccupation with applied technology—with so-called "quick, demonstrable results"—new gadgets, new "practical" processes, and so forth.

### DR. WATERMAN'S VALUABLE REPORT

I had sent the questions on basic research to the one agency of the U.S. Government which is charged with the responsibility for support of the pursuit of knowledge for its own sake, that is, independent of any specialized missions. I refer, of course, to the National Science Foundation.

The report sent by Dr. Alan Waterman is exceedingly valuable, in my judgment. It provides an authoritative and well-rounded statement as to where we stand and where we should be moving in support of basic research.

There are so many important points covered by Dr. Waterman that I would not attempt to take the time of the Senate at this point to elaborate on them.

### INSUFFICIENT FUNDS AVAILABLE

Let me, however, note that he estimates that, in the 1962 fiscal year, more than \$170 million in worthy applications for basic research will be received by the National Science Foundation over and above what can be funded under presently available appropriations.

The fact is that only about one-fourth of all research proposed for support by NSF is funded, even though three-fourths of all applications are judged by eminent scientists to be clearly worthy of support.

### RESULTS OF INADEQUATE FUNDS

The question may then be asked: "So what?"

The answer is: "So, science suffers and America's position in science suffers."

NSF has studied the aftermath of its unfortunate inability to support worthy applications.

Its preliminary findings are these: In almost 70 percent of the cases studied, the research which was proposed but which could not be funded was not undertaken at all. Yet, more than 90 percent of the investigators who had originally proposed particular research still felt that their basic study was important and should be performed.

So, gaps in man's knowledge needlessly persist.

And no man can predict how critical these gaps may prove to be in the physical, mathematical, engineering, social, or biological sciences.



Sooner or later, we will pay a price for failing to support good men with good ideas and failing to enable them to train other good men in the next scientific generation.

And, I say, sooner rather than later, the practice of excessive earmarking of appropriations seriously impairs the Foundation's flexibility—its subsequent ability to put funds where scientists feel they should best be allocated at a given time, in the light of previously unforeseen developments.

STUDY BY GOVERNMENT OPERATIONS  
SUBCOMMITTEE

The report to which I refer was compiled in response to one of a series of requests to Federal agencies by a Senate Government Operations Subcommittee, of which I am privileged to be chairman. This subcommittee has been making a comprehensive study of Federal budgeting for research and development, as I advised the Senate in my comments of August 3 and September 8.

Our purview is budgeting, rather than appropriations, although the two are obviously interrelated. Similarly, our interest is in interagency implications of basic research. That is why we have contacted so many agencies, in addition

to the Office of the President's Special Assistant for Science and Technology—a post very ably filled, I may say, by Dr. Jerome Wiesner.

I ask unanimous consent that the text of Dr. Waterman's reply be printed at this point in the RECORD.

There being no objection, the reply was ordered to be printed in the RECORD, as follows:

NATIONAL SCIENCE FOUNDATION,  
OFFICE OF THE DIRECTOR,  
Washington, D.C., September 19, 1961.  
Hon. HUBERT H. HUMPHREY,  
Chairman, Subcommittee on Reorganization  
and International Organization, Com-  
mittee on Government Operations, U.S.  
Senate, Washington, D.C.

MY DEAR SENATOR HUMPHREY: I am pleased to submit our reply to your letter of August 18, 1961, seeking further information relevant to your subcommittee's review of Federal budgeting for research and development.

The 10 questions given in your letter form a useful outline for organizing the material we wish to submit. Accordingly, on the following pages we record each question separately, and immediately thereafter give our response to that question. Some of the questions are, of course, interrelated; in some instances, our reply to one question contains a reference to material in the response to another question.

We believe that your review of this important subject is timely and we hope that

our responses will be helpful to you in this connection.

With best wishes.

Sincerely,

ALAN T. WATERMAN,  
Director.

QUESTIONS AND RESPONSE

Question 1. Past trend of foundation expenditures: First, by way of background would you kindly supply to the subcommittee tables (and/or, if readily available, charts) showing, on a year-by-year basis, since the Foundation's inception: (a) overall obligations (or if more readily available, expenditures); and (b) the subtotals for each of the principal divisions.

RESPONSE

The requested information is contained in the attached table which shows the total obligations of the National Science Foundation from its beginning in 1951 through fiscal year 1961. Breakdowns are given for the three principal research divisions (BMS, MPE, SOC) and for the division that carries our major responsibilities in scientific personnel and education. All of the remaining obligations are combined in a fifth item.

During the decade, the Foundation has obligated a total of nearly \$600 million. Of this amount, about \$285 million or some 47 percent has been devoted directly to the support of basic research in the colleges and universities and in the national research centers for which the Foundation is responsible.

Obligations by the National Science Foundation for fiscal years 1951-61

[In thousands]

Division	Fiscal years											Total by division
	1951	1952	1953	1954	1955	1956 <sup>1</sup>	1957	1958	1959	1960	1961	
Biological and Medical Sciences.....	0	\$763	\$83	\$1,966	\$3,612	\$4,918	\$8,246	\$9,527	\$23,075	\$27,242	\$28,316	\$108,496
Mathematical, Physical, and Engineering Sciences.....	0	311	983	2,033	4,398	5,097	12,095	14,940	35,296	44,408	49,429	168,990
Social Sciences <sup>1</sup> .....	0	0	0	0	0	0	289	554	853	2,105	3,407	7,208
Scientific Personnel and Education.....	0	1,644	1,477	2,120	2,297	3,718	14,698	19,414	62,070	64,634	64,461	236,533
Other <sup>2</sup> .....	\$151	748	1,133	1,835	2,180	2,256	3,302	5,539	11,645	20,211	29,382	78,382
Total by year.....	151	3,466	4,424	7,954	12,487	15,989	38,630	49,974	132,939	158,600	174,995	599,699
Rounded total for fiscal years 1951-61 inclusive.....												600,000

<sup>1</sup> Before fiscal year 1957, obligations for the social sciences were included in the Biological and Medical Sciences and Mathematical, Physical, and Engineering Sciences Divisions.

<sup>2</sup> Includes management, science information services, special studies, antarctic research, and institutional programs.

Question 2. Comments on anticipated future trends: Would you comment in general on the types of factors which might determine future patterns of Foundation expenditures in the decade of the 1960's?

RESPONSE

During its first 10 years, the NSF has been characterized in large part by the support of specific problems and of individual scientists. Scientific quality and competence have determined the selection of grantees on a highly competitive basis. In the 1960-70 decade, while retaining the values of specific grants and fellowships, the NSF will broaden the base of support and will put increased emphasis on the needed expansion of resources, on the increase of scientific and engineering personnel with broad education and training of high quality, and on the expansion and strengthening academic institutions concerned with education and research in science.

Educational institutions must be given the independence of choice and the economic capabilities to develop and balance their science programs in accordance with their own best judgments in educational matters. Today, relatively few institutions, perhaps 20, furnish the very large majority of the top quality doctorates in science and engineering. The number of such first-rank institutions must be doubled during the

next few years if the Nation is to fulfill its goals for scientific progress. The Foundation will be increasingly concerned with this problem.

Increased attention will be given to all educational aspects that have a long-range bearing on the future of science. More attention must be devoted by the Nation to the strengthening of education in all fields, as well as in science, at the secondary and college levels; the Foundation will do all it can, within its statutory authority, to encourage such strengthening.

Thus the future support patterns of the NSF will continue to reflect its statutory responsibility for the general strengthening of basic scientific research and science education in all fields. Complementing the support given by other agencies in fulfilling their particular scientific and technological missions, the NSF will seek further opportunities to ensure overall scientific balance and to encourage the full and healthy development of the Nation's scientific potential. Some of the factors that may be expected to influence the Foundation's expenditures in the 1960's are:

1. New scientific and technical opportunities:

(a) New scientific frontiers: For example, the discovery of the structure of DNA and its role in the control of molecular

processes in biological systems is leading to wholly new attacks in medical research.

(b) New instrumentation developments of broad application in research. For example, the nuclear magnetic resonance spectrometer has opened up many new areas of chemical and biological research.

(c) New technological developments and requirements that may stimulate interest in specific areas of science. For example, interest in fusion power development has had a powerful effect in stimulating research in plasma physics and related areas.

2. Manpower factors:

(d) Changes in the growth pattern of scientific manpower.

(e) New developments in science and engineering education.

3. International factors:

(f) Possible increase in support of research in foreign countries. The Foundation's statutory authority currently restricts such support to exceptional cases.

(g) Competition in scientific progress among major world powers.

(h) Increase or decrease in world tension leading to a major shift in defense-related activities in research and development.

4. Methods and scope of support:

(i) Decisions to provide support on a program basis for particular areas of sci-



information available to the Department of Agriculture.

I ask all those interested in the welfare of the U.S. cotton industry to join with me in petitioning the Secretary of Agriculture not only to increase the 1962 cotton acreage allotment, but to base that increase on well reasoned, sound fact. There is too much at stake to do otherwise.

#### THE CUBAN GOVERNMENT IN EXILE

Mr. TOWER. Mr. President, the State Department has on two occasions rejected suggestions that the United States recognize a Cuban government-in-exile. These decisions were well-founded due to the fact that both proposals were no more specific than to name a single proposed leader. Obviously, our Government could not tap a single individual on the shoulder and, in effect, say, "You be the leader of a Cuban government." To have done so would immediately have alienated all other factions represented by Cubans in exile in this country and elsewhere.

However, it seems to me that the time has come when it is both necessary and desirable for the United States to take some positive action to encourage and facilitate the formation of a responsible Cuban government-in-exile. Such a government must be a coalition, including all major Cuban political factions in exile. Otherwise, it would fail.

Earlier this week President Prado of Peru indicated that such a Cuban government would find a safe haven in that country. I believe several other Latin American governments are prepared to recognize such a government.

In my opinion an affirmative statement by our Government at this time would precipitate the early formation of a responsible Cuban government-in-exile. It is my hope that such a statement will be forthcoming.

It has been 5 months since the ill-fated invasion at the Bay of Pigs. In that time nothing has been done to my knowledge and in the meantime Castro grows stronger. If we allow this matter to drift we shall demoralize the free world by permitting them to believe that the mighty United States of America intends to coexist with communism at our very shoreline.

#### AMENDMENT TO FEDERAL CIVIL DEFENSE ACT OF 1950

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business, which will be stated by title.

The CHIEF CLERK. A bill (H.R. 8383) to further amend section 201(i) of the Federal Civil Defense Act of 1950, as amended, and for other purposes.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the conference report on the Mexican farm labor bill (H.R. 2010), be laid before the Senate for consideration.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. PROXMIRE. Is this the Mexican farm labor bill?

Mr. MANSFIELD. Yes, Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

#### ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, it was the understanding of the junior Senator from Wisconsin before the Senate adjourned last night that an agreement had been reached between the Senator from Ohio [Mr. LAUSCHE] and the Senator from Oklahoma [Mr. KERR] that immediately following the conclusion of the morning hour today the lead and zinc bill would be taken up.

Mr. MANSFIELD. Not necessarily immediately after the morning business. I do not believe anything should be done on that subject until the Senator from Ohio and other interested Senators have come to the Chamber.

Mr. PROXMIRE. I thank the Senator from Montana.

#### EUROPEAN COMMON MARKET AND AMERICAN AGRICULTURE—PROPOSED JOINT COMMITTEE ON EXPORT TRADE

Mr. HUMPHREY. Mr. President, our Secretary of Agriculture, Orville Freeman, in a recent address at Brussels did a magnificent job in explaining the U.S. position toward maintaining and opening new markets for U.S. agricultural exports to the European Common Market countries. I commend our Secretary for directing his energies to this very important subject. This is but another example of the fine and dedicated work that Secretary Freeman has been doing on behalf of American agriculture. I ask unanimous consent that Secretary Freeman's speech be inserted at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HUMPHREY. Mr. President, having for many years been most interested in the development and expansion of our export trade in agricultural commodities, I have been most hopeful that the European Economic Community will move in the direction of lowering artificial restrictions on the importation of agricultural commodities. Such a step would be of benefit to all concerned. It would benefit American agriculture, and it would also result in lower food costs for the European people.

One of America's leading export items should be our agricultural products. We can take pride in being the leading agricultural nation in the world. No country can match us in agricultural know-how, in production, in quality, and in price. This is why I have taken issue with those who cry about our so-called farm surplus. My reply to them has been that our food abundance should be treated as a blessing rather than a curse and that we should extend our efforts to utilize this God-given resource both at home and abroad. We have been moving altogether too slowly in expanding our export markets for farm products. We have hardly scratched the surface.

The U.S. Government has given strong support to the emerging European Economic Community. However, it has generally viewed this emerging organization with favor on the assumption that it would develop a liberal trade policy, not only within the European Economic Community, but also in its relationships with third countries. The hope and expectation within the United States has been that the Common Market countries would adopt a liberal and outward looking tariff and trade policy. This is the only way that the European Economic Community trade with the United States and the rest of the free world will be able to expand on a reciprocal basis.

I recognize that there are many problems, especially in the agricultural field. However, I feel that a liberal trade policy will be in the interest of the six countries themselves—in what is known as the Inner Six and, indeed, the so-called Outer Seven. The establishment of a common market will offer them great opportunities for expanding production and sales on a competitive basis. Thus, they will be better able to develop their economic strength.

As the competitive strength of the Community grows, its export opportunities will also increase. To be able to expand its export trade, the European Economic Community will find it necessary to become more liberal in its foreign trade policy. This it will find necessary because trade can be expanded only on a reciprocal basis.

I recognize that the European Economic Community has had to develop its agricultural proposals against the background of the agricultural situation and current policies of the six countries. European agriculture has increased production substantially above prewar. This increase in production was stimulated by many governmental actions, as well as by technological progress.

Import restrictions originally imposed for balance-of-payment reasons have been continued for protective purposes.



State trading practices, mixing regulations, skimmings and a variety of other devices have also been used to protect European farm production and soybean processors in the European Economic Community.

Compared with the present agricultural and trade policies of the major European Economic Community countries, the Commission proposals for a common agricultural policy have certain good features.

On the other hand, the proposals would continue certain protective devices now employed by European Economic Community countries, and in some cases extend their use to all six countries.

I am especially concerned by reports that the import duty on soybean oil entering Western European markets will be increased from about 5 percent to 10 percent ad valorem. European crushers of soybeans have free access to U.S. soybeans. This provides them with a basic source of raw material which can be converted into both oil and meal. It would appear equitable that no special favors should be made for European soybean crushers, and that soybean oil should enter free of duty, just as soybeans are.

Mr. President, if the import duty on soybean oil entering the European Economic Community should be increased, it will have a most disturbing effect on the U.S. soybean market. It will tend to lower the price of soybeans in the United States, and thereby tend to depress prices for the ever-growing number of farm producers. It will depress the price of soybean oil. Both effects will have serious consequences in terms of the agricultural economy of our country.

I would say to our friends in the European Economic Community that such increases in import duty will most assuredly fan the flames of protectionism here in the United States. As a staunch supporter of our reciprocal trade programs, I would hate to see this happen. But there can be no doubt that if tariffs are raised by other countries, the demand will grow that our country reciprocate in kind.

I remind our European friends that next year the Reciprocal Trade Act will come before Congress for renewal. Any action on the part of the European Economic Community, either the Inner Six or the Outer Seven, which raises tariffs or imposes quotas or embargoes will only fan the flames of protectionism in the United States, to the disadvantage of the European market, which finds such a great outlet in the United States for the goods of its manufacturing establishments. This would be most unfortunate, and I urge the European Economic Community to consider this aspect of the problem most carefully before instituting higher trade barriers.

Mr. President, I want to support the European Common Market, because I know it has a great potential for good. It is a step in the right direction. However, it is essential that the United States, as an exporting Nation, obtain a share of the expanding market. That

is in line with the spirit of the General Agreement on Tariffs and Trade.

We must look with disfavor on restrictive proposals which tend to disrupt our patterns of trading relations with the area. We are pursuing an evermore liberal policy in trade. That is what we seek and shall continue to seek. But this is a two-way street. If we are to pursue a more liberal trade policy, the nations with which we trade must do likewise. There must be cooperation among the nations.

Mr. President, on Tuesday of this week, I addressed the Senate on the Soviet economic offensive and its efforts to disrupt established commercial trading between the nations of the free world. This is a serious and well-planned offensive of the Soviet Union and one not to be taken lightly. It is imperative that the free world nations do not play into the hands of the Soviet Union in this area by doing anything that would disrupt, rather than promote, trade between nations.

Our Government has been making vigorous efforts to encourage American exports by a variety of means. It has inaugurated a coordinated export expansion program that draws together interested Agencies, including the Departments of State, Commerce, and Agriculture, in efforts to increase the U.S. export. I applaud this program and I am hopeful that it will be continued and stepped up because of its great importance.

I also suggest that this is a subject worthy of more intense study by Congress. Therefore, I propose the creation of a special joint committee to be made up of members from the Senate Committees on Foreign Relations, Finance, and Commerce and the House Committees on Foreign Affairs, Ways and Means, and Interstate and Foreign Commerce to make a detailed study of U.S. export trade and to recommend to Congress steps to be taken to develop and expand such trade.

I particularly call the attention of the Senate to the importance of having the joint committee study the effects of the Common Market or the European Economic Community upon U.S. trade. I hope the special joint committee would determine whether or not the European Common Market offers us greater trade opportunities, or whether the European Economic Community is engaged in imposing, directly or indirectly, restrictions upon the freer flow of trade between the United States—in fact, the Western Hemisphere—and the European Community.

Mr. President, I submit a concurrent resolution proposing the establishment of such a joint committee and ask that it be appropriately referred.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred.

The concurrent resolution (S. Con. Res. 52) was referred to the Committee on Commerce, as follows:

*Resolved by the Senate (the House of Representatives concurring), That there is hereby established a joint committee which shall be known as the Joint Committee on*

Export Trade (hereinafter referred to as the "joint committee"). The joint committee shall be composed of nine Members of the Senate, of whom three shall be from the Committee on Foreign Relations, three from the Committee on Finance, and three from the Committee on Commerce, to be appointed by the President of the Senate, and nine Members of the House of Representatives, of whom three shall be from the Committee on Foreign Affairs, three from the Committee on Ways and Means, and three from the Committee on Interstate and Foreign Commerce, to be appointed by the Speaker of the House of Representatives.

SEC. 2. (a) Vacancies in the membership of the joint committee shall not affect the power of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner as in the case of the original selection.

(b) The joint committee shall select a chairman and a vice chairman from among its members. In the absence of the chairman, the vice chairman shall act as chairman.

(c) A majority of the joint committee shall constitute a quorum except that a lesser number, to be fixed by the joint committee, shall constitute a quorum for the purpose of administering oaths and taking sworn testimony.

SEC. 3. (a) The joint committee shall conduct a full and complete study and investigation of the export trade of the United States with particular reference to ways in which such trade may be developed and expanded.

(b) The joint committee shall report to the Senate and the House of Representatives the results of its study and investigation, together with its recommendations at the earliest practicable date, but not later than January 15, 1963. Upon the submission of such report, the joint committee shall cease to exist and all authority conferred by this resolution shall terminate.

SEC. 4. The joint committee, or any duly authorized subcommittee thereof, is authorized to sit and act at such places and times within the United States, to hold such hearings, to require by subpoena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, and to take such testimony as it deems advisable.

SEC. 5. The joint committee may employ and fix the compensation of such experts, consultants, and other employees as it deems necessary in the performance of its duties.

SEC. 6. The expenses of the joint committee, which shall not exceed \$—, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee.

Mr. HUMPHREY. In conclusion, Mr. President, I ask unanimous consent that a letter which I wrote to the Honorable George Ball, Under Secretary of State for Economic Affairs, on the subject of our export trade in agricultural commodities, along with excerpts from the reply which I received, dated May 15, be printed at this point in the RECORD.

There being no objection, the letter and excerpts were ordered to be printed in the RECORD, as follows:

MARCH 25, 1961.

HON. GEORGE BALL,  
Under Secretary of State for Economic Affairs,  
Department of State, Washington,  
D.C.

DEAR GEORGE: During recent years I have been very interested in the development and expansion of our export trade in agricultural commodities. I am convinced that the only real solution to the so-called agricultural



production problem in the United States is the expansion of our agricultural markets at home and abroad. Much of this can be done through the food-for-peace program, but ultimately what we must rely upon is the export of agricultural commodities for hard currency. In other words, we must seek new markets in new areas and expand our activities in the old markets.

There is a problem which needs to be faced in the export business relating to agricultural commodities. All too many countries have tariffs, embargoes, and quotas on the importation of agricultural commodities. This is particularly true in Europe where the countries have tried to maintain a degree of self-sufficiency in agriculture and therefore have lifted the prices of domestically produced agricultural commodities through all sorts of artificial pricing mechanisms. This has resulted in a very high priced agricultural budget for European workers at the same time it has denied Europe's industrial centers the labor that is necessary for an expanding industrial economy.

As a member of the Senate Foreign Relations Committee and a former member of the Senate Committee on Agriculture and Forestry I shall be watching the developments in this area. I will appreciate a report from time to time as to just what is being done to accomplish a better market situation for our agricultural products. I would be more than happy to discuss this matter in greater detail at your convenience.

Sincerely,

HUBERT H. HUMPHREY.

DEPARTMENT OF STATE,  
Washington, D.C., May 15, 1961.

Hon. HUBERT H. HUMPHREY,  
U.S. Senate.

DEAR HUBERT: As I stated in my acknowledgement of your letter of March 25, we appreciate receiving your views and suggestions with respect to the development and expansion of U.S. export trade in agricultural commodities.

Your letter observes that the expansion of our agricultural trade, particularly in European countries, is hindered by the existence of tariffs, embargoes and quotas on the importation of agricultural commodities. As you point out, such barriers to imports result in higher priced agricultural goods for consumers and a diversion of needed labor from industry to farms. We certainly agree with the statement that there is a great opportunity for overseas market development for American agricultural products, and that increased trade in these commodities would be of great benefit to the United States and the importing countries. The U.S. Government has long sought to encourage American exports by a variety of means. The President on March 17, 1960, inaugurated a coordinated export expansion program that draws together interested agencies, including the Departments of State, Commerce, and Agriculture, in efforts to increase U.S. exports.

Without a doubt, foreign import barriers are a major impediment to the desired expansion of trade. The United States has been making continuous and strenuous efforts to affect the removal of these barriers. \* \* \*

The Department of State, in conjunction with the Department of Agriculture and our missions in Europe, has been vigorously seeking the removal of import restrictions on trade in agricultural and industrial goods. In the last 2 years, most of the nontariff barriers on industrial goods in the major European countries have been removed, permitting us to concentrate our further effort almost entirely on the removal of such restrictions as remain on agricultural goods.

The U.S. Government is attacking these restrictions on our agricultural exports on a wide front. Full use is made of the multilateral forums provided by the General Agreement on Tariffs and Trade (GATT) and the International Monetary Fund (IMF). In addition to making use of the regularly scheduled GATT meetings, the United States has initiated several special conferences under GATT auspices that have been instrumental in advancing trade liberalization in Italy, France, and Germany. Formal and informal representations urging the removal of restrictions are being made through diplomatic channels. The problem of import barriers to our agricultural products is also regularly called forcefully to the attention of foreign ambassadors and other high ranking foreign embassy officials in Washington, who have been called in to the Department of State for this purpose.

We have gone to great lengths to impress on the governments of the EEC countries the importance that the United States attaches to provision for competitive access to EEC agricultural markets for the United States and other third countries.

Despite the obvious difficulties in gaining unlimited access for our exports to foreign agricultural markets, I will leave no stone unturned to obtain the removal of barriers to American agricultural exports. I welcome your interest in this matter and the opportunity to review it with you to date.

Actually I would like very much to talk with you about this soon in more detail; but as you probably know I am leaving for Europe shortly and will not be back until early June. I shall look forward to getting together with you, perhaps at lunch if you like, after my return.

Yours ever,

George,

GEORGE W. BALL,

Under Secretary for Economic Affairs.

Mr. HUMPHREY. Mr. President, in my comments to Mr. Ball, I stated that I was convinced that the only real solution of the so-called agricultural production in the United States is the expansion of our agricultural markets at home and abroad. I also asked Mr. Ball to examine into the limitations on trade which had been imposed by many countries which impose tariffs, embargoes, and quotas on the importation of American agricultural commodities.

I said to him that these limitations were particularly obvious in the Western European Community. In my study of the Office of European Cooperation and Economic Development, I found that a number of countries in Western Europe had very severe limitations and restrictions on the importation of American agricultural commodities. Therefore, I urged the Department of State to do everything in its power to try to remove those limitations.

In his letter to me, Mr. Ball stated:

Your letter observes that the expansion of our agricultural trade, particularly in European countries, is hindered by the existence of tariffs, embargoes, and quotas on the importation of agricultural commodities.

Without a doubt, foreign import barriers are a major impediment to the desired expansion of trade. The United States has been making continuous and strenuous efforts to effect the removal of these barriers.

Mr. President, I ask the State Department in the negotiation of new trade agreements to place particular emphasis

upon the expansion of our agricultural commodity markets. I believe this will have definitely beneficial effects on our agricultural economy, will tend to step up agricultural income, and will tend to alleviate some of the problems of agricultural production.

#### EXHIBIT 1

##### NEW FRONTIERS IN FOREIGN TRADE

(By Secretary of Agriculture Orville L. Freeman before the American Chamber of Commerce, Brussels, Belgium, Wednesday, September 6, 1961)

This occasion is for me both an honor and a great opportunity.

It is an honor because in this audience are many of Belgium's foremost leaders in business, government, and agriculture.

It is an opportunity because I hope, in these few minutes, to give you at least a glimpse of how we in the United States are trying to conduct our agricultural affairs in a way that is helpful to farmers and consumers, fair and constructive to business, and strengthening to the Free World.

This is a big task. In carrying it out we need your understanding and your support.

Agriculture in the United States is a vast enterprise. It includes 4 million farmers and their families. It is a modern efficient enterprise—we believe our efficiency is not exceeded by any country in the world. It provides such an abundance that after feeding and clothing our own people we are able to sell large amounts of food and fiber to prosperous nations such as yours and at the same time, through assistance programs, make available large amounts of food and fiber to underdeveloped nations in support of free world unity and advancement.

As Secretary of Agriculture, my greatest concern is that of keeping strong and viable this agriculture of ours which no longer is merely a food and fiber factory but which is serving as a potent force in the affairs of mankind.

With Berlin literally only a few minutes away, no one in this audience needs any reminder of the world's contest between democratic and dictatorial systems. Even though the means of conducting the contest have become more complex, food continues to play as basic a role as it did in the days of Napoleon or Alexander. In this contest, we of the West have a great advantage in our food supply. Food is a problem for the Communists. For us of the West, it is an asset.

The constantly improving agricultural efficiency of the Western World is one of the pillars of our free society. One way to measure the efficiency of agriculture is through the ratio of farm people to non-farm people. Belgium is a progressive industrialized nation and here, because of agricultural improvements, fewer farmers are able to feed more city people than was thought possible even a decade or two ago. The same is true in the United States. In my country, through mechanization and other farming advancements, one farm worker today is able to produce enough to feed 26 persons. In the Soviet Union, by contrast, one farm worker is able to produce enough to feed only six persons.

The secret of our greater agricultural productivity in the West is not necessarily any superiority of technical knowledge. There are few secrets in agriculture for the world's knowledge of farming is widely shared. We know that the Soviet Union has many excellent scientists and technicians for we have met them in recent years through our exchange programs.

What gives us superiority is our system of competitive free enterprise which brings out the best efforts and the best rewards.



We of the West live by a set of rules which are unique in human history. We believe in competition but we also believe in compassion. For those who are our equals, whether in the athletic stadium or in the marketplace, we like to offer vigorous competition. For those who are weaker, we like to offer help toward greater economic strength and social progress.

Rules like these can and do bring misunderstanding in their application. There has been misunderstanding as to the intentions of the United States in our agricultural trade policies. On the one hand the United States is carrying out a vigorous foreign market development program, seeking to expand our sales of food and fiber to Western Europe and other prospering areas. On the other hand, the United States also is moving large amounts of food and fiber to the underdeveloped countries of Asia, the Middle East, Latin America, and Africa. Some of this moves as gifts, some with only token payment.

Is there a conflict between these two approaches? We believe not. On the contrary, we believe them to be a healthy practical application of the enlightened self-interest which guides our Western society.

Our approach toward international trade is quite simple. Basically we believe in the efficacy of the commercial marketing mechanism as the best means of providing consumers with goods and services. Where the commercial marketing mechanism has problems in rendering this service, it is our desire to help strengthen it so that it can function adequately.

The United States, for example, is sending large amounts of food to India. Approximately a shipload of wheat moves from our ports daily to an Indian destination. In the fiscal year ending June 30, India received 22 percent of our exports of wheat. These are not cash transactions in the marketing sense; they are a form of assistance to a nation greatly in need of help. What we are doing might be defined as humanitarianism—but there is economic reality in it also for we know that the only way that India eventually can become active as a cash buyer in the world market is to lend her a helping hand in these early stages of development. We look forward to that day when India, and scores of other newly emerging countries, can take their place alongside of you and our other commercial friends as active buyers of our products.

I might add that there is political reality in this, too, for as Nehru has said, men are not much concerned about freedom and democracy when their stomachs are empty. India is having a hard time in feeding her people but what is today a dietary problem was once a hunger crisis and would still be a hunger crisis and a political crisis without the food assistance she is receiving.

The most obvious problem of the commercial marketing mechanism is encountered when countries are too poor to buy all the things they need. But other impediments can appear also, sometimes more subtly. When countries are prosperous but allow trade barriers to impede the ready flow of commerce between them, this too weakens the world's distributive system.

Of the two problems, poverty and trade barriers, the latter is the more insidious because it is of our own making.

If we are to achieve our goal of a world that is well fed and well clothed, we must match our spectacular progress in agricultural production with equal progress in agricultural trade. This means not only helping underdeveloped nations to rise from poverty but also mutually removing barriers to trade from between our prosperous nations.

President Kennedy was elected on the keynote that the old frontiers are disappearing but there are new frontiers equally challenging, equally demanding of our best ef-

fort. One of the new frontiers—one of the great new challenges—is that of constantly improving our trading relations with one another. As we seek to produce agricultural abundance, we must make it easy for consumers to have access at reasonable prices to this abundance. Any system that fails to encourage the ready flow of supplies to consumers makes it that much harder to attain the goal of a better fed, better clothed world.

During the past quarter century much progress has been made toward relaxation of international trade barriers in the industrial field. This progress has been of benefit to nations and their people actively engaged in such trade. I regret that equal progress has not been made in the agricultural field. In agricultural trade, not only do many barriers remain but also there are signs in some areas that new barriers may be erected. If this regression takes place, it will harm business, it will harm consumers, and it will weaken the economic and political cohesion of the free world.

The United States and you six countries that comprise the European Economic Community have long enjoyed a mutually profitable trade covering many products, including agricultural. There is a vast reservoir of good will in my country for the Common Market as a whole. But it is no secret that we do have grave reservations regarding the direction taken by some of the proposals for an agricultural import policy. My visit to Brussels and my talks that are scheduled with the Commissioners of EEC are primarily concerned with this matter.

It is not my intention to return your hospitality today by delivering a detailed criticism of Common Market agricultural import policies. In all candor, however, I feel impelled to say that American agriculture is concerned over the possibility of a restrictive import policy on the part of the Common Market which would reduce our sales to the area of wheat, rice, feed grains, livestock products, poultry, tobacco, certain fruit items, and possibly others.

We believe these proposals to be contrary to the trade-expansive spirit of the General Agreement on Tariffs and Trade to which the European Community has subscribed.

Although the EEC agricultural proposals seek to remove barriers in agricultural trade between members, we who are not members of the fraternity can only look on them as restrictive if they disrupt the pattern of our agricultural trading relations with the area.

The United States is doing its best to pursue a liberal policy of agricultural trade, in consonance with the spirit of GATT.

We ask no more than access to markets under fair and reasonable competition as between imports and domestic production.

The problem of restraints on movements of agricultural products is not one that affects only producers and consumers of those products. The effect is felt by the industrial community as well, and I should like to cite a current example. Let us consider feed grains, a commodity that is basic to the production of many consumer foods. When a Nation imports substantial amounts of feed grains, as Belgium does, and when that nation places increasingly heavy import levies upon feed grains, as Belgium has been doing, those fees are passed along to the consumer in the form of higher prices for meat, milk, butter, and eggs. Since your industrial wages are determined by the cost of living index, this causes your wages to go up proportionately—which adds to your costs of production and the prices you must ask. Since you export a substantial part of your manufactured goods, your business representatives may find it that much harder to meet price competition in the world market—because of a cost spiral that begins with a feed grain import fee. On the other

hand, a freer international trade policy could bring about in the long run, higher standards of living at lower real costs to all concerned. This, I suggest, is something worth considering.

I do not wish to end on a note of pessimism or criticism. We of the United States enjoy and appreciate the excellent relationships that we have with Belgium and all nations of Western Europe. We share the same rules of conduct and we like to do business with one another. We have similar aspirations and goals, and we stand united for a cause we all believe in. But problems do arise, even among the best of friends and it is best to recognize them and resolve them as they appear. In this way lies mutual trust, advancement, and friendship of long duration.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. JORDAN obtained the floor.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from North Carolina may yield to me without losing the floor, in order that I may suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. JORDAN. Then, Mr. President, I yield.

Mr. MANSFIELD. Mr. President, I now suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The Clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. JORDAN. Mr. President—

Mr. KEATING. Mr. President—

Mr. JORDAN. Does the Senator from New York wish me to yield to him?

Mr. KEATING. Well, Mr. President—

Mr. MANSFIELD. Mr. President, I think what is at issue is the fact that the Senator from North Carolina is the Senator in charge of handling the conference report in this Chamber. I assume—although I may be mistaken about this—that he has a right to the floor on the basis of the position he holds in connection with the pending measure. I understand that he is willing to yield to the Senator from New York or to any other Senator whatever amount of time such Senator may desire to have—because the Senator from North Carolina has to serve in this particular capacity.

Mr. KEATING. Mr. President, a parliamentary inquiry.

The ACTING PRESIDENT pro tempore. The Senator from New York will state it.

Mr. KEATING. If that is so, obviously that is all we can do. I assumed that any Senator would have a right to obtain



the floor during the debate on a conference report.

The ACTING PRESIDENT pro tempore. That is correct; any Senator has a right to obtain the floor.

The Senator from North Carolina had the floor, and unanimous consent was given in order that he might yield for a quorum call without losing the floor. The Senator from North Carolina still has the floor.

Mr. JORDAN. Mr. President, I am willing to yield to the Senator from New York.

Mr. KEATING. Mr. President, I plan to speak following the remarks of the Senator from North Carolina.

Mr. JORDAN. Mr. President, I am willing to yield, and I prefer to yield to Senators who may wish to obtain time, rather than to yield the floor, because after I yield the floor, I do not get it back.

Mr. KEATING. Mr. President, I prefer to wait until the Senator from North Carolina concludes his remarks, and then to obtain the floor in my own right.

Mr. PROXMIRE. Mr. President, will the Senator from North Carolina yield?

Mr. JORDAN. I yield.

Mr. PROXMIRE. It seems to me that the Parliamentarian very definitely takes the position—and I know this, because I have often discussed this matter with him—that no Senator has a right to farm out the floor; and that when a Senator wishes to speak, he should address the Chair, obtain recognition, and then proceed to speak.

The difficulty with having a Senator farm out the floor is that when, under those circumstances, he yields to permit another Senator to speak, that Senator speaks under those circumstances at a great disadvantage, inasmuch as whenever the Senator who has yielded to him wishes to shut off the remarks of such Senator, he can decline to yield further.

It seems to me it puts every Senator at a great disadvantage. It is not in accordance with the Senate rules, as I understand them. If a Senator wants to speak, he can get the floor and can yield for a question, but if another Senator wants to speak—and I understand the Senator from New York has a 2-hour speech; the Senator from Illinois wants to speak on the subject; the Senator from Wisconsin has a long speech—it seems to me this procedure would be at variance with Senate custom and Senate rules. If we carry on that way, I think any Senator could ask for the regular order.

Mr. MANSFIELD. I would not say it was at variance with custom, because ordinarily the Senator in charge of a conference report does have the floor for the purpose of explaining it. Insofar as farming out time is concerned, I would point out, in all candor, the Senator from Minnesota yesterday did a very good job, for a long period of time, of farming out time.

I think this is a minor matter. On the basis of custom, a Senator in charge of handling a conference report usually has the floor. I am positive the Senator from North Carolina does not want to cut off or stifle debate in any manner or form, and I hope interested Senators

will recognize that fact. If they do not, I am sure the Senator from North Carolina is Senator enough to face up to the facts and yield the floor, at an appropriate time, after he has made his comments.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. KUCHEL. I want to say to the genial Senator from Wisconsin that whatever logic there may be to the position he takes on this question is overcome by the fact that on more than one occasion my genial friend has taken the floor and kept it all night long. So I suggest the Senator may find himself somewhat in the position of non sequitur, announcing what ought to be done, but, on the basis of the record, conceding that he himself has failed to practice his own admonitory suggestion.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. JORDAN. I yield.

Mr. PROXMIRE. It is true I wanted to speak at great length on a nomination and I held the floor for a long time. I yielded to other Senators, but any time a Senator wanted to ask for the regular order I could have been made to take my seat. I remember in 1958, when we were discussing the Lake Michigan water diversion bill, I was required to take my seat because I had yielded to other Senators. At any time a Senator desires, he should have every right under the rules to secure the floor in his own right, and hold the floor, without asking another Senator to yield to him.

Mr. JORDAN. Let me tell the Senator from Wisconsin my only reason for maintaining my right to the floor. I do not care how long the Senator or any other Senator wants to talk. I will yield from now on, so far as I am concerned, but I would like to have the discussion kept germane to the issue so we can complete action on the conference report reasonably soon today, because Senators have other business to attend to. I have very few remarks to make about the conference report. I do not want to cut off debate of any other Senator. I am willing to yield as much time as a Senator wants. If that is going to worry any Senator, I will yield the floor and let a Senator talk in his own right. I want to take the floor back before we get through, so I can make concluding remarks on the report.

Mr. President, I yield the floor.

Mr. KEATING. Mr. President, I want to extend my gratitude to the Senator from Wisconsin, with whom I had a colloquy the other day regarding milk, over his defense of my constitutional rights as a U.S. Senator. I know it is typical of his desire to see the rules of the Senate fully complied with, and it is my pleasure to have such a very able, aggressive, and vigorous advocate on my behalf. I am glad the matter has been clarified. I understand, under the rules of the Senate, it is necessary, if a Senator yields to another Senator, that he be on the floor; and stand during all that time, and I just did not want to impose on my good friend from North Carolina, under whose leadership one

of the first things I did when I came to the Senate was to serve on the Senate restaurant subcommittee. The distinguished Senator from North Carolina rendered fine service in that regard. I pay high tribute to him as chairman of the subcommittee on the restaurant. He was a fine chairman. I always saw eye to eye with him on food. But when it comes to the problem we are now discussing, I find myself at variance with him. It always hurts me to find myself on the other side of a question from him; but my main reason for not requiring that he remain on the floor was that he might want to leave, he might want to sit down, and he could not do either, under the rules of the Senate as I understand them, if he did not yield the floor.

#### NEW YORK WORLD'S FAIR

Mr. KEATING. Mr. President, yesterday we had some discussion of the measure to provide for the participation of the United States in the World's Fair in New York. I refer to a bill which would authorize a modest appropriation for planning purposes. I recognize that this bill might be considered lesser in importance in the way of shrimshes at the tail end of the session than many other matters, but the planning for a Federal pavilion at the New York World's Fair is a matter which, I am told, requires long-term planning. It would be very serious if we were not to act at this session.

The Soviet Union and many other Iron Curtain countries, as well as many friendly countries, will have pavilions at the New York World's Fair. Some 60 nations have now signed up, along with a large number of States. The count increases each day.

If the United States were not to have a pavilion, it seems to me that would be a serious mistake.

I confess my interest, which could be considered selfish, in seeing the bill enacted into law, because naturally the people of the great State of New York are very much interested in it. I have tried to view this in the wider perspective and to realize the importance of the measure to our country. I hope some way can be found to iron out our present unfortunate misunderstanding about the bill, so that it can be passed before Congress adjourns.

I make no recriminations. I make no charges. I am sure any difficulties which have arisen must have been the result of a misunderstanding.

I have endeavored to assure Senators that the bill is only a planning bill. It goes no farther than that.

Various figures have been bandied about as to what may be the eventual Federal requirement if participation, in terms of the building of a pavilion, is provided. None of those figures have any validity or authority. There will be no obligation whatever by the United States until a new bill is passed to proceed with the actual building of a pavilion. The proposal is for planning only, to see to what extent, if any, the United States should participate in the fair.



The bill passed the other body by an overwhelming vote. It has been strongly endorsed both by the previous administration and by the present administration.

The bill was sent to the Congress by the distinguished Secretary of Commerce, the Honorable Luther Hodges. Because of the active administration support I felt it would be worthwhile to have the administration reaffirm its position on the proposed legislation, and I therefore wired Secretary Hodges yesterday as follows:

In view of limited time before adjournment would appreciate reiteration of your support for legislation to plan Federal exhibit at New York World's Fair 1964-65. I trust that it is still your position that the Federal Government should exhibit at the fair. The World's Fair is an important forum of world opinion. Excellent opportunity to demonstrate strength and meaning of American political and economic freedom. I fear that unless administration renews its plea for study legislation this year we will be put in position of making hasty and ill-considered decision on Federal participation. Would appreciate your immediate reply.

This morning the Secretary called me and indicated again that the administration has consistently urged Federal participation in the New York Fair. He said that the Department had testified on Monday before the Appropriations Committee on this subject. He also indicated that the Department's views in support of World Fair legislation are the same as those of the administration. I stress this identity between the Commerce Department views and the administration views because it may be of some importance at this final stage of the session, when so much is going on.

The Secretary offered to be helpful, and he certainly was very prompt in responding to my telegram. I appreciate his assistance, and I thank him for it.

Mr. PROXMIRE. Mr. President, will the Senator yield for a question?

Mr. KEATING. I yield.

Mr. PROXMIRE. Is the Senator discussing the New York World's Fair, with respect to which there has been a proposal that the Federal Government build a pavilion on the grounds of the fair as its contribution?

Mr. KEATING. Yes, except that the only proposal before the Senate now, which is the one passed by the House, is a proposal to authorize a planning appropriation of \$300,000. This has now been made \$200,000, which perhaps may be more satisfactory. That is the figure which is really being urged for the appropriation measure.

This money would be for planning purposes, to determine, first, whether the Federal Government should participate; and, second, if the Government should construct a pavilion, what kind of structure it should be.

Mr. PROXMIRE. Is it not true that at the time the Congress decided against having a world's fair in Washington, D.C., in favor of having a world's fair in New York, there was an understanding on the part of most Senators—it was my understanding—that no Federal money would be spent to support the world's fair in New York?

Mr. KEATING. That is apparently what has given rise to a misunderstanding. I said at that time, and I believe my distinguished colleague [Mr. JAVITS] said, there would be no request for Federal funds to subsidize the operations of the fair. In other words, there would be nothing comparable to what the Federal Government is asked to do in regard to the Seattle Fair. That is still our position.

I specifically said at that time that we hoped the Federal Government would have a pavilion at the fair. That is entirely separate from any assistance in financing the fair. The financing of the fair is to be done exclusively by the city of New York, the State of New York, and private individuals.

Mr. PROXMIRE. If the Federal Government constructed a pavilion at the fair what would be the general range of the cost?

Mr. KEATING. That is something as to which I have no knowledge. A figure of \$30 million has been suggested and is being used in an effort to defeat our proposal, but the World's Fair Corp. has gone on record that the \$30 million is not authentic and has no authority.

Mr. LAUSCHE. Mr. President, will the Senator yield so that I may supply some information?

Mr. KEATING. I am happy to yield.

Mr. LAUSCHE. The World's Fair Corp. of New York issued a brochure, and in the brochure it was stated that the building to be constructed by the Federal Government and the exhibits would cost \$30 million. After I learned that I called the Department of Commerce and talked to the Assistant Secretary of Commerce, Mr. Gudeman, who said, "\$30 million is the least it will cost if we go in." I have spoken to the Secretary of Commerce, Mr. Hodges, and he states that the least it would cost would be \$30 million.

I also point out that the amount of money which is envisioned as being needed is \$64 million; \$40 million is to be underwritten by banks, businesses, hotels and railroads of New York, which have been given notice they will be repaid; \$24 million is to be underwritten by the city of New York, which is to be repaid.

The United States, however, is to put up a building aggregating in cost \$30 million, which will become the property of that area, the expense to be borne by the citizens of Wisconsin, Ohio, Vermont, and other States.

Mr. KEATING. Mr. President, in answer to the Senator, in regards to the figure of \$30 million, I have not seen the particular brochure to which the Senator refers. Any number of proposals have been made as to what the Federal Government might do in the way of erecting a pavilion at the fair.

All of them envision, of course, that the final decision as to what the final structure would be, how much it would cost, or whether there would be any structure, and similar questions, will rest with Congress. It might be that it would be decided that there should

be no Federal pavilion, although this is pretty difficult for me to conceive of.

I do not think my friend intended any implication that the city of New York or the individuals who put up the proposed money would in any way get anything out of the erection of a Federal pavilion. I am sure he did not mean to imply that. The State of New York, which is putting up a large share of the money to finance the fair, is also building its own pavilion. Approximately 20 other States have already signed up for exhibits at the fair. These exhibits are to be completely financed by the States involved.

Approximately 60 nations including the Soviet Union and a number of other Iron Curtain countries, already have signed up for the fair. They are coming here to display their wares. It seems to me that it would be highly regrettable if the United States did not have a dignified and appropriate building at the fair.

Mr. LAUSCHE. Mr. President, if the Senator will yield for a comment, I shall withdraw from the colloquy.

Mr. KEATING. I yield.

Mr. LAUSCHE. Mention has been made of the Washington State Fair. It is the world's fair for this decade. The Seattle fair was chosen and approved by the Bureau of International Expositions, which is made up of 31 countries, and which decides where world fairs shall be held. The world's fair for this decade is being held in Seattle, Wash. We have erected a building that will cost \$12.5 million. Thus far we have not subsidized the Seattle World's Fair.

The International Exposition Bureau has officially declared that this cannot be a world fair. It has boycotted it.

The New York fair is a domestic State affair, whose sponsors desire to have it take on the aspects of a world fair, which is impossible under the rules of the International Exposition Bureau. The provisions of that organization state that there shall be one fair every 10 years. The International Exposition Bureau approves the sites of fairs.

Mr. KEATING. Mr. President, the Senator from Ohio is a very able and amiable Senator, but, I believe, he is misinformed on this subject. The Bureau of International Expositions, the so-called BIE, is an organization in Paris to which this country does not belong and which cannot dictate to this country. This is the first time that I have ever known my friend from Ohio to rise in the Senate and say that we should be dictated to by an organization of which we are not a member and which we have refused to join.

The reason we have refused to join the BIE, and have traditionally refused, is that membership might involve some interference with our sovereignty. That organization recognized the Seattle fair because we are not members of the BIE, and because the big fair of this decade is to be the New York Fair. They are disturbed because the United States is not a member of the BIE. They said that they would recognize the Seattle Fair, which, I am sure, will be a very fine exposition, but it does not have the world



involved increased as a consequence of the procurement and the payment of the Federal share of the otherwise eligible civil defense costs.

However, the OCDM has been informally advised by the representatives of the General Accounting Office that in applicable projects, the aforementioned technical defect will compel them to require repayment from the States of the Federal contribution previously made. Some such instances date back to 1953. The General Accounting Office further advises that the only alternative to requiring such repayment is the enactment of remedial legislation which would ratify those contributions wherein this technical difficulty exists.

OCDM urges enactment of such legislation because it is believed inequitable to require repayments under these circumstances and at this time. It is considered that to require repayment would be especially inappropriate in view of the long lapse of time since approval, completion and full payment of the Federal share for the projects involved. Further, enactment of the proposed amendment would avoid what amounts to a penalty to the affected States and subdivisions resulting from their active cooperation in assisting to develop the civil defense readiness of the Nation. In addition, repayment would constitute an extreme hardship for some small communities and could result in irreparable damage to the civil defense effort in certain localities.

The draft bill herewith transmitted would ratify financial contributions made prior to July 1, 1960, for projects involving this defect. In this connection, it is pointed out that as of July 1, 1960, the Office of Civil and Defense Mobilization revise its regulations to require State and local governments to obtain OCDM approval of project applications before purchases are made, or obligations incurred. This modification resulted from discussions of the matter with representatives of the General Accounting Office and was made to avoid future incidents of technical noncompliance similar to those herein described.

Proposed legislation to accomplish the purpose of the draft bill was before the 86th Congress. This legislation was in the form of a proposed amendment to the Second Supplemental Appropriations Act, 1961. The Office of Civil and Defense Mobilization at that time urged approval of the amendment and the Comptroller General also recommended enactment. However, the House Appropriations Subcommittee, in reporting the bill, stated that the subject of the amendment was legislative matter and a legislative committee should determine the appropriate action to correct the situation.

No additional appropriations would be involved if the amendment were enacted as it is a technical matter which merely ratifies Federal payments previously made to the States and their political subdivisions. Preliminary review of civil defense projects approved between 1953 and 1959 indicates that approximately \$1 million may be involved and over half of the States are affected.

The Bureau of the Budget has advised, that, from the standpoint of the administration's program, there is no objection to the presentation of this proposal for the consideration of the Congress.

It is respectfully requested that the enclosed draft bill be introduced in order that it may be considered for enactment.

Sincerely,

Director.

The ACTING PRESIDENT pro tempore. If there be no amendment to be proposed, the question is on the third reading of the bill.

The bill (H.R. 8383) was ordered to a third reading, was read the third time, and passed.

Mr. MANSFIELD. Mr. President, I move that the vote by which the bill was passed be reconsidered.

Mr. JORDAN. Mr. President, I move to lay on the table the motion to reconsider.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion to lay on the table the motion to reconsider.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, I thank the Senator from New York for his courtesy.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agriculture Act of 1949, as amended, and for other purposes.

Mr. KEATING. Mr. President, turning now to the conference report on the migratory farm labor bill, I wish to make very clear, in line with one or two remarks made by several Senators, that I am opposed to filibusters. I support majority cloture. As envisioned in the proposal which the Senator from Illinois [Mr. DOUGLAS] and I and several other Senators sponsored in the recent rules debate, there would be 15 days of debate before cloture could be invoked by a majority. Mr. President, I wish to say now that I make a solemn promise not to take more than 15 days on this conference report; but I wish to discuss some of the issues involved in it.

#### PUBLIC WORKS APPROPRIATIONS, 1962

Mr. MANSFIELD. Mr. President, before the Senator from New York proceeds further with the presentation of his views, will he yield so that another measure can be made the unfinished business and be pending, and thus make it possible to comply with the rules—if it is understood that in yielding for that purpose he will not lose the floor, and that after the bill has been made the unfinished business he may resume his remarks on the conference report on the migratory farm labor bill?

Mr. KEATING. Certainly.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from New York may yield for this purpose, without losing his right to the floor.

The ACTING PRESIDENT pro tempore. Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I move that the Senate now proceed to the consideration of Calendar No. 1078, House bill 9076, the public works appropriation bill, and that the bill be made the unfinished business.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from Montana.

The motion was agreed to; and the Senate proceeded to consider the bill (H.R. 9076) making appropriations for civil functions administered by the Department of the Army, certain agencies of the Department of the Interior, the Atomic Energy Commission, the Tennessee Valley Authority, for the fiscal year ending June 30, 1962, and for other purposes, which had been reported from the Committee on Appropriations with amendments, on page 3, line 19, after the word "construction", to strike out "\$14,356,000" and insert "\$16,479,000".

On page 4, line 12, after the word "construction", to strike out "\$681,045,880" and insert "\$735,923,880".

On page 5, line 20, after the word "flood", to strike out "\$133,272,000" and insert "\$141,246,000".

On page 6, line 3, after the word "investigations", to strike out "\$13,000,000" and insert "\$13,148,000".

On page 6, line 8, after "(33 U.S.C. 702a, 702g-1)", to strike out "\$70,725,000" and insert "\$73,700,000".

On page 7, line 20, after the word "and", to strike out "sixty" and insert "seventy-two".

On page 8, line 15, after the word "expended", to strike out "\$6,523,000" and insert "\$6,770,000", and in line 16, after the word "which", to strike out "\$5,423,000" and insert "\$5,520,000".

On page 9, after line 3, to insert:

#### GENERAL INVESTIGATIONS (SPECIAL FOREIGN CURRENCY PROGRAM)

For purchase of foreign currencies which accrue under title I of the Agricultural Trade Development and Assistance Act of 1954, as amended (7 U.S.C. 1704), for the purposes authorized by section 104(k) of that Act, to remain available until expended, \$2,623,000, which shall be available to purchase only those currencies which the Treasury Department shall determine to be excess to the normal requirements of the United States.

On page 9, line 18, after the word "expended", to strike out "\$153,283,500" and insert "\$153,876,400", and on page 10, line 7, after the word "customer", to insert the following additional proviso: "Provided further, That funds shall be available to complete the construction of and to operate and maintain within and adjacent to the Yuma Irrigation District, in the South Gila Valley, Arizona, those drainage works on which construction has heretofore been initiated pursuant to the Act of June 28, 1946 (60 Stat. 338): *Provided further*, That not to exceed \$192,000 of funds made available for construction and maintenance of access roads in the Yellowtail Unit area shall be nonreimbursable."

On page 10, line 21, after the word "law", to strike out "\$36,600,000" and insert "\$36,189,000".

On page 11, line 14, after the word "program", to strike out "\$12,679,000" and insert "\$13,394,600".

On page 12, at the beginning of line 7, to strike out "\$53,268,000" and insert "\$52,034,500", and in line 9, after the word "and", to strike out "\$2,200,000" and insert "\$3,433,500".



On page 18, after line 3, to insert:

After October 1, 1961, the position of Administrator, Bonneville Power Administration, shall have the same annual rate of compensation as that provided for positions listed in section 2205(b) of title 5, United States Code, so long as held by the present incumbent.

On page 21, line 16, after the word "vehicles", to strike out "\$2,352,601,000" and insert "\$2,353,001,000", and on page 22, line 8, after the word "transferred", to strike out "Provided further, That not to exceed \$7,000,000 of this appropriation may be transferred to the appropriation for 'Plant acquisition and construction', if the Commission determines such transfer is necessary to carry out the purposes of such cooperative power reactor demonstration program as may be authorized under the Commission's authorization Act for the fiscal year 1962."

And, at the top of page 23, to insert:

#### PLANT ACQUISITION AND CONSTRUCTION

For expenses of the Commission, as authorized by law, in connection with the purchase and construction of plant and other expenses incidental thereto necessary in carrying out the purposes of the Atomic Energy Act of 1954, as amended, including the acquisition or condemnation of any real property or any facility or for plant or facility acquisition, construction, or expansion; and hire of passenger motor vehicles; \$205,960,000, to remain available until expended.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

Mr. MANSFIELD. Mr. President, I ask that the Senate now resume the consideration of the conference report on the migratory labor bill. Again I thank the Senator from New York for his courtesy.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. KEATING. Mr. President, I wish to express my support for the vigorous fight which the Senator from Minnesota [Mr. McCARTHY] is making for meaningful amendments to the Mexican farm labor bill. I will be frank. I am opposed to the Mexican farm labor program. I voted against it when I was a Member of the House of Representatives. I voted against it when it was before the Senate. We have glutted the labor market for farm labor and have depressed rates, in my judgment, all over the country as a result of this program.

Unless we make real and serious changes, I think it should be killed. I offered an amendment on the floor of the Senate to provide comparable working conditions to domestic workers, the same conditions that we require under law for Mexicans. My amendment was defeated, but the McCarthy wage amendment was adopted. I feel that both amendments are important. However, unless we get at least one, in this case, the McCarthy

amendment, then very little has been accomplished.

Mr. President, what if I were to get up today and offer a bill saying that we should employ people from Japan and Hong Kong in American textile mills? I could say that these people would be available at lower rates. I could say that this is the only way the textile industry can survive. I could argue that this is better than no industry at all, so why worry about the American worker who would be hurt? I would be laughed out of the Chamber. Yet, under the Mexican farm labor program we are doing exactly this.

I do not favor national control over all aspects of farm labor. But I do not want us to continue hitting these unfortunate farmworkers over the head with the Mexican program. These are very unfortunate people in many instances. They have no rights of citizenship. They have no homes or roots. They are in a rut that is difficult to get out of. They do not receive any of the protection accorded to other groups of American labor, such as minimum wage, unemployment compensation, fair labor standards, union and labor laws, and many others.

New York State and many other States have given protection to migrant farmworkers. I have qualms about too much Federal regulation and control in this area, but this is not the question. The Mexican program is a horse of another color. It is a definite depressant of the labor market for American workers. In a period of 7 percent unemployment, we had better be thinking about American jobs.

I have nothing against the Mexicans involved. They are an excellent labor force. All I say is that more priority should be given to Americans, who, after all, are citizens of our own country.

In my own State of New York, the Mexican program not only hurts farmworkers, it also hurts farmers. Many New York farmers must compete with farmers in areas in which Mexicans are used, and therefore wage rates and labor costs are much lower. This makes it difficult for farmers in States like New York and farmers in other States similar situated to New York, and in States particularly which have taken action to provide needed protection and assistance for farmworkers.

Mr. President, the amendment which I offered when the H.R. 2010 was before us made the point that significant advantages are offered to Mexicans which are not offered to American workers. I have before me a U.S. Department of Labor publication entitled "Information concerning entry of Mexican agricultural workers into the United States." I wish to read some of the provisions which give special privileges and treatment to Mexican laborers. This is the standard work contract.

Under "Lodging," appears the following language:

The employer agrees to furnish the Mexican worker, upon the Mexican worker's arrival at the place of employment and throughout his entire period of employment, without cost to such Mexican worker,

hygienic lodgings, adequate to the climatic conditions of the area of employment and not inferior to those of the average type which are generally furnished to domestic agricultural workers in such area. Such lodgings shall include blankets when necessary, and beds or cots, and mattresses when necessary. Mexican workers may not be assigned to any lodging quarters in such numbers as will result in overcrowding of the premises. Sanitary facilities to accommodate them shall also be furnished by the employer. The employer further agrees to comply with such housing standards as may be prescribed jointly by the United States and Mexico.

On the subject of "Transportation Between the Migratory Station and Reception Center"—

#### TRANSPORTATION BETWEEN MIGRATORY STATION AND RECEPTION CENTER

The Secretary of Labor, at the expense of the U.S. Government, shall provide transportation for a prospective Mexican worker selected at the migratory station, except Guadalajara, from such migratory station to the reception center and return to the nearest migratory station. The transportation of the Mexican worker recruited at Guadalajara shall be paid by the U.S. Government from Hermosillo, Sonora to the reception center and return to Hermosillo.

The Secretary of Labor, at the expense of the U.S. Government, shall also furnish the prospective workers subsistence while awaiting transportation from the migratory station, except Guadalajara, to the reception center, while he is in transit between the migratory station, except Guadalajara, and the reception center and return and while he is at the reception center. Mexican workers who are recruited at Guadalajara and who are returned to Hermosillo will be furnished subsistence while at the reception center and paid for subsistence while in transit between the reception center and Hermosillo.

Then we come to a provision covering "Prohibition Against Discrimination":

#### ARTICLE 8—PROHIBITION AGAINST DISCRIMINATION

Mexican workers shall not be assigned to work in localities in which Mexicans are discriminated against because of their nationality or ancestry. Within a reasonable time after the effective date of this agreement and from time to time thereafter, the Mexican Ministry for Foreign Relations will furnish the Secretary of Labor a listing of the communities in which it considers that discrimination against Mexicans exists.

There is a provision about "Employment Governed by Agreement and Work Contract":

#### ARTICLE 11—EMPLOYMENT GOVERNED BY AGREEMENT AND WORK CONTRACT

All employment of Mexican workers legally admitted to the United States for agricultural employment shall be governed by the terms of this agreement, including the work contract which is attached hereto and made a part of the agreement, and by the joint interpretations provided for in article 37. Except as provided in article 24 of this agreement, neither the Mexican worker nor the employer may individually or jointly change the work contract without the consent of the two Governments.

We also find a provision with respect to "Contracting at Reception Center":

#### ARTICLE 13—CONTRACTING AT RECEPTION CENTER

The work contract shall be entered into between the employer and the Mexican worker under the supervision of a representative of each of the two Governments



and such contracts shall be prepared in Spanish and in English. Such worker shall be free to accept or decline employment with any employer and to choose the type of agricultural employment he desires.

None of those provisions is made available to domestic workers. This was envisioned in my amendment.

On the subject of "Wages":

#### ARTICLE 15—WAGES

The employer shall pay the Mexican worker not less than the prevailing wage rate paid to domestic workers for similar work at the time the work is performed and in the manner paid within the area of employment, or at the rate specified in the work contract, whichever is higher.

Further under the wages provision the following appears:

In no case shall the Secretary of Labor make an authorization on the basis of any job order which specifies a wage rate found by the Secretary of Labor to be insufficient to cover the Mexican worker's normal living needs.

Then we come to the provision about "Guarantee of Work":

#### ARTICLE 16—GUARANTEE OF WORK

Except as otherwise provided in this agreement, or in the work contract, the employer shall guarantee the Mexican workers the opportunity to work for at least three-fourths of the workdays of the total period during which the work contract and all extensions thereof are in effect, beginning on the day after such worker's arrival at the place of employment and ending on the expiration date specified in the work contract or its extensions, if any.

All that the amendment which I offered sought to do was to extend similar, but not as extensive, privileges to American workers. My amendment did not go nearly as far as these provisions I have been discussing.

We come to the subject of "Transportation Between Reception Center and Place of Employment." The contract provides:

#### ARTICLE 17—TRANSPORTATION BETWEEN RECEPTION CENTER AND PLACE OF EMPLOYMENT

Subject to the provisions of article 32 of this agreement, the employer shall, at his expense, provide the Mexican worker transportation and subsistence from the reception center at which he contracts such worker to the place of employment. The employer shall also, at his expense, either provide transportation and subsistence or pay for the cost of transporting such Mexican worker from the place of employment to the reception center.

On that point, again all my amendment sought to do was to give that same privilege to American workers.

The provision with respect to "Occupational Injuries and Diseases" reads:

#### ARTICLE 19—OCCUPATIONAL INJURIES AND DISEASES

The employer shall provide for the Mexican worker, at no cost to such worker, the guarantees with respect to medical care and compensation for personal injury and disease provided in article 3 of the work contract.

My amendment sought to give to American workers, the same protections, in the case of occupational injuries and diseases, the agreement provides for Mexican workers.

Under "Representatives of Mexican Workers," the contract provides,

#### ARTICLE 21—REPRESENTATIVES OF MEXICAN WORKERS

The Mexican workers shall enjoy the right to elect their own representatives who shall be recognized by the employer as spokesmen for the Mexican workers for the purpose of maintaining the work contract between the Mexican workers and the employer, provided that this article shall not affect the right of the Mexican worker individually to contact his employer, the Mexican Consul, or the representative of the Secretary of Labor with respect to his employment under this work contract.

There is also a section relating to official inspection, which reads:

The employer shall permit the representative of the Secretary of Labor, and officials of the U.S. Department of Justice access to the place of employment of Mexican workers when necessary for these officials to carry out their responsibilities under this agreement and under the immigration laws of the United States.

So it goes. There are many provisions, which, it seems to me, if we are going to provide them for the Mexican workers, should also be provided for the U.S. workers. This clearly demonstrates the injustice of the bill now before the Senate.

Then we go to tools and equipment, which provision reads:

The employer shall furnish the Mexican worker without cost to such worker, all the tools, supplies, or equipment required to perform the duties assigned to him under the contract.

Then there is an article relating to deductions:

No deductions shall be made from the Mexican worker's wages except as provided in this article.

Then are listed the specific deductions which the employer may make. I shall not read them to the Senate, but they are explicitly pointed out.

Then there is a provision relating to water and fuel, which reads:

#### WATER AND FUEL

The employer shall furnish potable water to the Mexican worker without cost to him in sufficient amount to satisfy his needs and at a reasonable distance from the place at which he is performing his work and from the place of lodging assigned to him by the employer. When fuel for heating is necessary, the employer shall furnish sufficient fuel ready for use for the adequate heating of the Mexican worker's quarters, without cost to such worker.

Then there is a provision entitled "Right to purchase at place of choice," which reads:

The Mexican worker shall be free to purchase articles for his personal use, in places of his own choice and shall be given an opportunity, once each week, to go to locations where he can obtain the articles desired.

Where the location of employment is not within walking distance of the town offering the desired articles and public transportation is not available, the employer will make arrangement for transportation.

Another provision or article in the standard work contract, relates to meals, and reads:

#### MEALS

The employer, when he maintains the necessary facilities, shall provide meals to the Mexican workers on the same basis as he

provides such facilities to domestic workers. When the employer furnishes meals to the Mexican worker, they shall be furnished at cost, but in no event shall the charge to the Mexican worker exceed \$1.75 for three meals.

Mr. President, my amendment simply sought to try to provide some of these working conditions for American workers, U.S. citizens, who are working right alongside these Mexican workers, and do not have the benefit of any of these provisions. I want to make this very clear. The Labor Department materials on this subject are quite impressive.

Then there is a provision entitled "Maintenance of Records and Statements of Work and Earnings."

This is required under New York State law with regard to migrant workers in New York State. The article in this contract reads:

#### ARTICLE 19

#### *Maintenance of records and statements of work and earnings*

Each employer shall keep accurate and adequate records in regard to the earnings and hours of employment of the Mexican worker in his employ.

Such records shall include, but shall not be limited to, information showing the number of hours worked each day, the rate of pay, the amount of work performed each day when piece work is performed and the periods for which the worker is entitled to receive subsistence.

The employer shall make such records available at any reasonable time for inspection by the representative of the Secretary of Labor, or by the representative of the Mexican consulate when accompanied by the representative of the Secretary of Labor.

The employer shall with respect to each pay period furnish in writing in both Spanish and English, to the Mexican worker at the time the Mexican worker is paid for such pay period, such information regarding his earnings as may be required by the Secretary of Labor.

Such information shall include, but shall not be limited to, the total earnings for the pay period, the rate of pay, hours worked, periods for which subsistence was paid, and an itemization of all deductions.

The employer shall also keep such additional records as may be required by the Secretary of Labor.

Then there is a provision about documentation costs. That, of course, would not apply to American workers.

There is also a provision entitled "Protection from Immoral and Illegal Influences," which reads:

The employer agrees to take all reasonable steps to keep professional gamblers, vendors of intoxicating liquors, and other persons engage in immoral and illegal activities away from the Mexican worker's place of employment.

There is also a provision with respect to Mexican social security benefits, which reads:

(a) Effective with respect to standard work contracts entered into after January 1, 1960, the employer shall reduce the amount of the deductions from the worker's wages which he has been making prior thereto pursuant to article 6(g) of the standard work contract, as amended, in an amount equal to \$0.20 (20 cents U.S. currency) per month for each \$1,000 of nonoccupational life insurance which had been provided prior thereto to the Mexican worker, or such other amount as may be specified by the Secretary of Foreign Relations. An amount equal to these reductions shall be deducted from



the worker's wages no later than the end of the first week of employment, to cover the first 4 weeks contribution to the Mexican Institute of Social Security required pursuant to article 6(h) of this contract. Such deductions shall be transmitted promptly to the designated representative of the Mexican Government at the reception center at which the Mexican worker was contracted. If the amount of the reduction specified in this paragraph is increased or decreased by the Secretary of Foreign Relations, such increase or decrease shall not affect the amount which the employer was authorized to deduct from the worker's wages pursuant to article 6(g) of this contract, prior to such increase or decrease.

Mr. President, there are additional provisions with reference to social security benefits.

Then there is a reference to transportation and joint operating instructions, and that provision reads:

All buses with fixed seats shall meet the standards for school buses prescribed by the State in which the buses are registered.

Those provisions are not provided for American workers who work right alongside workers coming into the United States under Public Law 78. Those are the provisions for the Mexican workers. All I am saying is that these provisions should be provided for American workers.

I read from a provision entitled "Living and Sleeping Quarters":

Living and sleeping spaces shall be in good structural condition and constructed so as to provide shelter to the occupants against the elements and to exclude dampness.

The floors and roofings of all buildings must be in good condition. Floors of building used as living or sleeping quarters shall be constructed of wood, asphalt, concrete, or other comparable materials. Dirt floors are not acceptable.

Under "Sanitary Facilities," I cite the following:

Convenient and suitable bathing facilities separate from cooking and sleeping rooms shall be maintained in a sanitary condition, readily accessible to living quarters.

Under "Lighting," I read:

All rooms used by workers shall be adequately lighted.

The following appears under "Laundry":

Laundry facilities shall be maintained in a sanitary condition and provided with adequate drainage as required by the general standards. Such facilities shall be separate from the eating and sleeping rooms but may be under the same roof or enclosure with the bathing and dressing rooms.

Mr. President, as I have pointed out, the amendment I offered when the bill was before the Senate included workmen's compensation, a contract guaranteeing employment three-fourths of the agreed term of employment, subsistence payments when work is not available, and transportation for one worker, not to exceed \$3 a week, on the part of any one employer. In short, the amendment provided only that the American workers have the same working conditions, in those respects, that Mexican workers have under the agreement to which I have referred. This is very limited when compared to the statements which I have just read. It

indicates clearly that basic reform in Public Law 78 is urgently needed.

Mr. President, in conclusion, let me say that the main argument used to justify continuation of Public Law 78 is that domestic workers simply are not available for the jobs held by Mexicans. It is argued that Mexicans are not competing for jobs with U.S. workers, and cannot adversely affect the wages or employment opportunities of American workers. If this argument is accepted, the need to protect our citizen farmworkers conveniently disappears.

Those who hold this view cite various snatches of evidence—here, U.S. farmworkers are too old or too young; there, domestic laborers turn down jobs offered by growers; somewhere else, they prefer to take nonfarm jobs or to sit at home in idleness. In some places, American workers are alleged to be too unreliable to work on farms; elsewhere, they allegedly prefer to leave their homes and move to unfamiliar places in search of work. In this way, American farm labor is belittled and maligned, to make a case for continuation of the Mexican farm labor importation program.

Let us look a little more closely at the so-called shortage of suitable domestic workers. The first thing we notice is that the shortage is concentrated in just a few States and on a relatively tiny fraction—under 2 percent—of the Nation's farms. The great bulk of American farm employers are able to meet their labor needs by drawing upon the American labor force.

How does it happen that the alleged farm labor shortage is limited to areas in a few States? The answer becomes clear when the wages and other conditions of employment offered by employers in heavy Mexican-labor-using areas are examined. Wages in many sections where the use of Mexican labor is claimed to be essential range from 30 cents to 50 cents an hour. Housing for workers in these areas is often pitifully inadequate or deliberately designed to accommodate only single workers of the type available from Mexico. Efforts to recruit domestic workers are often, at best, half-hearted. Many employers refuse to advance transportation costs or to guarantee a minimum period of employment or a minimum amount of earnings to the citizens workers whom they are supposedly trying to recruit. The citizen worker is expected to assume the heavy risks of agricultural joblessness due to bad weather, the costs of on-the-job injuries, the possibility of complete unemployment if crops are destroyed by natural conditions, a complete lack of job tenure, and so on. Under these conditions, it is not surprising to hear of recruitment difficulties in the major Mexican-labor-using areas.

The disgraceful fact is that Mexican workers receive far more protection than do our own farmworkers. To reiterate, their transportation costs are paid; they are guaranteed work on at least three-fourths of the work days in their contract period; their contract period is usually no less than 6 weeks long; they are entitled to free subsistence during

periods of partial employment; their housing is regulated and inspected; they are guaranteed no less than the prevailing wage for similar work in the area; their employer must insure them against occupational injuries at his own expense; their right to elect representatives as spokesmen in dealing with employers is guaranteed; and their rights are also protected by the surveillance by the Department of Labor and by the Mexican consuls. None of these guarantees and protections is available to most of our own farmworkers. This was the purpose of my amendment—in short, to provide for equalization in that regard.

Why do wages and other terms of employment remain at such unattractive levels in most so-called labor shortage areas which utilize substantial numbers of Mexicans? The answer is obvious. The availability of Mexican workers makes it unnecessary for employers in these areas to adjust their wages and working conditions and to compete freely for the domestic labor supply. The availability of Mexicans makes it unnecessary to adopt the kind of enlightened and constructive personnel policies which employers in other areas and in other industries have adopted in order to solve their labor problems. A vast source of low-wage labor across our southern border thus depresses American labor standards.

There can be no doubt about this situation. It has been carefully and impartially documented by the distinguished consultants appointed by former Secretary of Labor Mitchell to review the problem. The report of the consultants—thorough and factual—argues against the adoption of the conference report on H.R. 2010.

The need for careful regulation of the employment of Mexican farm labor, in order to protect our own citizen workers, is obvious. That is why the Senate last week adopted the McCarthy amendment. But the conference report does not contain this provision. That is why it threatens the livelihood of American farmworkers, for the benefit of a small fraction of farmers who seek to use the facilities of the Federal Government to import cheap labor; and it has the effect not only of doing that, but also of injuring States and farmers who produce fruits, vegetables, and similar foodstuffs and agricultural commodities and who do not have available to them this low-cost labor imported through the facilities of the Federal Government.

Mr. President, it is not my desire to cut off debate in any way. But after all Senators who wish to be heard on this subject have been heard, I intend to move for reconsideration of the action taken by the Senate in refusing to lay the conference report on the table. However, since I apprehend that such a motion to reconsider may also be made the subject of a motion to lay on the table, I shall refrain from making the motion at this time; but I merely advise the Senate of my intention to make the motion at a later time.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, when this bill was before the Senate, the prin-



cial issue was over the question agreeing to the McCarthy amendment. No other issue seemed to divide the Senate very greatly in connection with its consideration of this measure.

Mr. President, at this time I wish to refer to the Senate rule in regard to the selection of conferees.

Before I do that, first let me say that the conferees, of course, were selected from the Senate Committee on Agriculture and Forestry. The first conferee, understandably, was the chairman of that committee, the Senator from Louisiana [Mr. ELLENDER]. The Senator from Louisiana voted against that amendment. The next conferee was the Senator from South Carolina [Mr. JOHNSTON]. The Senator from South Carolina had voted against the McCarthy amendment. The next conferee was the Senator from Florida [Mr. HOLLAND]. The Senator from Florida had voted against the McCarthy amendment. The McCarthy amendment had carried a majority of the Senate—it is true, a narrow majority, but a majority had voted for it.

The next member of the Committee on Agriculture and Forestry in terms of seniority was not placed on the conference committee. Nor was the next. Nor was the next. But the following member of the Committee on Agriculture and Forestry on the Democratic side who was placed on the conference committee had voted against the McCarthy amendment.

On the Republican side, the first three ranking Republicans on the committee were appointed to the conference committee. One voted for the McCarthy amendment; two voted against it.

I call attention to the documents which are provided for the instruction and guidance of the Senate, as I understand, with regard to all rules and with regard to the selection of conferees where there has been a division of opinion among Senators. The rule provides, and I read from Senate Procedure, at page 172, at the bottom of the page:

The conferees in theory are appointed by the Presiding Officer but in fact are designated by friends of the measure who are in sympathy with the prevailing view of the Senate, and with consideration for the usual party ratio. And the Senate, on motion, may elect its conferees as it sees fit.

The volume continues and gives a specific example:

In order to obtain the appointment of certain conferees on the Muscle Shoals bill in 1925 favorable to the position of the Senate, members of the committee senior in rank were successively elected and excused by unanimous consent until the desired conferees were reached in the order of their seniority.

In this particular instance it would have been possible to select a majority of the Senate conferees from the Agriculture and Forestry Committee who had voted for the McCarthy amendment. The junior Senator from Wisconsin voted for the McCarthy amendment. I am a member of the committee. Another member of the committee, a very distinguished, and fine Senator, Mr. JORDAN of North Carolina who is junior to me, was appointed to the conference. The Senator from Minnesota [Mr. McCARTHY], author of the amendment

which was adopted, was not appointed to the conference committee, nor was the Senator from Michigan [Mr. HART], nor was the Senator from Oregon [Mrs. NEUBERGER], all of whom represent the majority party and all of whom voted for the McCarthy amendment, or whose position was stated as being for the McCarthy amendment.

It seems very clear to me that, on the basis of the rules, Senators representing the Senate on a bill in conference should be chosen from those who favored the majority position. It was clear on the Mexican farm labor bill that the only division of significance in the Senate was the division over the McCarthy amendment, and a very tiny minority, about as small as could be obtained, only one Senator, the distinguished Senator from Vermont [Mr. AIKEN], the ranking Republican member of the Committee on Agriculture and Forestry, was the only Senator who represented that viewpoint.

I quote from the Senate manual, which guides the Senate in its procedures. On page 146 the Senate Manual reads:

In the selection of the managers the two large political parties are usually represented, and, also, care is taken that there shall be a representation of the two opinions which almost always exist on subjects of importance. Of course the majority party and the prevailing opinion have the majority of the managers.

Let me repeat that last sentence:

Of course the majority party and the prevailing opinion have the majority of the managers.

If these rules mean anything, it seems to me we should certainly make an effort to provide that a majority of the conferees represent the majority opinion of the Senate. It is clear in this case that only one out of the seven conferees represented that position. I do not know how we could get farther away from that rule, unless they were unanimously against it. At the very least, those representing the position that prevailed in the Senate should have been given substantial representation.

I can see why, under certain circumstances, it might have been necessary to put on the conference Senators favoring the minority position—although I think it is bad—but certainly not six who favored the minority view and only a single representative of the majority view.

I have been one who has been concerned about the Senate seniority rules. I recognize there is great wisdom in them. Perhaps it is necessary to have such rules and there may be great advantage in having them. But I think if we are going to have a rule of seniority, we ought to abide by the rule of seniority. The fact is that on the Republican side the rule of seniority was used as the basis for selection in this case. On the Democratic side, it was not used, because the junior Senator from Wisconsin was senior to one of the Members who was chosen to represent the conferees. It should be said, in all fairness, that this exception was made for the Senator who handled the bill on the floor, and was the chairman of the sub-

committee who handled the bill; but the fact is that the Senator from North Carolina is junior to the junior Senator from Wisconsin. If seniority is strictly followed, and if this is a reason or excuse for having this kind of representation, it seems to me seniority should be followed all the way down the line.

To turn to the substance of the matter—

Mr. McCARTHY. Mr. President, will the Senator yield before he gets into the substance of the bill?

Mr. PROXMIRE. Yes; I am glad to yield to the Senator from Minnesota, who was author of the amendment which is now in controversy.

Mr. McCARTHY. I think the experience we have had in conferences with the House this year gives added weight to the argument made by the Senator from Wisconsin; in many cases we went into conference with representatives of the Senate who really supported the Senate's position but they gave way to the House in the conference. Since that disposition seemed to have been established, it was all the more important when we went into conference with the House on this bill that we send as representatives of the Senate those who strongly represented the position of the Senate; then, perhaps, conferees would not come back with a statement such as was made by one of the conferees, that the House conferees absolutely would not take the Senate position. They said, "This is it, or there will be no migratory labor bill this year, because we are not giving in on this point and we will not yield over on the House floor, either."

If the Senate is to surrender in the face of this attitude on a bill of this kind—when there really is no serious reason for not postponing action for the next 3 or 4 months—what position does it leave the Senate in on a question of appropriations which relate to vital functions of the Government, when the House says, "Unless you give in to us, there will be no appropriation?"

It seems to me in this kind of situation we ought to take a firm stand. Although there will be some disadvantages if the program is not continued over the next 3 months, they are minor, and it seems to me we should make a stand here. If we give in on this, how shall we ever make a stand on an appropriation measure which is of vital importance to the country?

Mr. PROXMIRE. I could not agree more with the Senator from Minnesota. The Senator from Minnesota makes the point that here is a case where, if the Senate had been adamant in insisting on its position and the House had said, "It is this or no bill," and the Senate had accepted that ultimatum, both the broad public interest, and the people who are directly affected by this bill, would not have been significantly affected at all. That fact is underlined by the Secretary of Labor. Here was a bargaining position on the part of the Senate conferees that was very, very strong. What happened under those circumstances? As the Senator so aptly described it the other day, the conference was extremely short. I suppose there have been shorter ones, but this one was not very lengthy.



One of the Senators who was in the conference is now present on the floor. If I am wrong, he can correct me. But here was the Senate in a position to fight for its position, to fight for a long time and make sure every single Member of the House conferees thoroughly understood that the Senate felt so strongly about the question.

What happened? The conferees not only gave away the McCarthy amendment, which had been agreed to by the Senate, but also gave away other provisions and protections in the bill which provided some kind of minimum wage, which had been accepted by the Committee on Agriculture and Forestry and by the Senate virtually without significant opposition. The provisions were accepted without any opposition of which I knew; yet were given away also.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Vermont.

Mr. AIKEN. I do not recall what else was given away, and I think perhaps "taken away" would be better words to use.

I speak as a Member of the Senate conferees who did support the McCarthy amendment.

Mr. PROXMIRE. The Senator from Vermont was the only conferee who did.

Mr. AIKEN. I did vote for it. I think I ought to point out, however, there were five controversial Senate amendments which were not in the House bill. So far as I know, all of those amendments were objectionable to the corporation farmers who employ the Mexican laborers along the border.

The result was that the House conferees accepted three of the amendments without any change. The House conferees accepted another amendment, with a modification. That was the amendment which prohibited the use of Mexican labor to operate farm machinery of any kind. It was modified so as to limit the restriction to planting, cultivating, and harvesting machinery.

Three of the Senate amendments were agreed to by the House conferees. The fourth amendment was accepted substantially. The fifth amendment was the McCarthy amendment, and it was not accepted. It would not have been accepted. I do not believe we could possibly have persuaded the House conferees to accept that amendment.

The vote in the Senate on the McCarthy amendment was, as I recall, 42 to 40 in one case and 42 to 41 later, whereas the vote in the House on a comparable amendment was by voice vote, which for all practical purposes is about 437 to nothing. It was as good a position as possible for the House conferees.

Mr. PROXMIRE. This is the numbers game, of course. I have great respect for the Senator from Vermont. The Senator is a very honest and very fine Senator, certainly one of the finest.

But the fact is that the three amendments which the House conferees accepted were not really significant amendments to the bill. They were not significant, at least, in terms of protection of migratory workers, either the domestic American workers or the Mexi-

can workers. Certainly they were not as significant as what was given away.

I read from paragraph 3 of the conference report.

The committee of conference has agreed to the Senate amendments with two major changes: (1) Elimination of the subsection providing minimum wage rates other than those already provided for in the act and in the agreement with Mexico; and (2) modification—

I think they gave away the whole thing—

(2) Modification of the provision relating to the use of Mexican workers to operate or maintain power-driven machinery so that this provision will apply only to power-driven, self-propelled harvesting, planting, or cultivating machinery.

Mr. AIKEN. That is correct.

Mr. PROXMIRE. It seems to me this leaves wide open the possible use of Mexicans for all kinds of work, competing directly with American workers.

Mr. AIKEN. It was set forth that if the fourth amendment, relating to the use of Mexican labor on machinery, had not been modified, it could have been construed to mean to prohibit turning a switch, driving a pick-up truck to transport workers from one place to another, and so on. The Senate yielded on that modification, and I agreed to it. After all, it was the use of Mexican labor for planting, cultivating, and harvesting machinery which was said to be so important to the large farmers along the border.

I believe it was that amendment which was responsible for the large farmers along the Rio Grande, and possibly other places along the border, taking such a vehement stand in opposition to the bill.

In fact, the situation is a little bit ludicrous, in a way. Labor opposes the bill because it did not get everything asked for, and the farmers who employ the Mexican labor oppose the bill because labor got so much. I do not know who is right or who is wrong.

Mr. PROXMIRE. I am delighted to answer the Senator from Vermont. Both would like to have the bill killed, so let us kill it. Both of the Senators from Texas, who are most directly affected, voted in favor of the motion to table the conference report. The Labor Department has indicated it is very unhappy with the conference report.

Mr. AIKEN. The Senator is correct.

Mr. PROXMIRE. Under these circumstances it seems to me that no interest would be served by agreeing to the conference report.

Mr. AIKEN. I have seldom seen a more unrealistic alliance than the one I saw on the vote to table the conference report yesterday.

Perhaps the conference report should be killed. I would not have had any great regret if it had been tabled. Then all parties would have been able to find out the true situation. I suppose each side feels that if the proposal is tabled it can win the next battle. I am not sure which would win the next battle.

I think there is a trend toward more conservatism in this country; either that, or the conservatives are better organized. I am inclined to think that labor would

get the short end if it went to the mat and came back again.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I shall yield to the Senator from Minnesota in a moment, but first I wish to say until very recently the Nation was not familiar with or aware of the plight of the migratory workers. As a result of the CBS television program and other developments, including a great deal which has been written in the newspapers all over the country, I know there is a tremendous awareness of the problem in Wisconsin, a State in which there had been considerable study before, but in which there was not a broad and deep popular understanding until recently. I think there is now far more sympathy and understanding, with a strong humane impulse to do something about the problem, and to correct the problem, than we have observed before.

I feel very strongly that regardless of the future of conservatism—and I feel conservative on many things—so far at this particular exploitation is concerned, it is on the way out.

Mr. AIKEN. I do not feel too keenly over the outcome, regardless of what may happen to the conference report. At least the extremes on both sides are asking to have it done away with and considered as an issue next year. I am inclined to think the planters would win the next round, but I may be completely mistaken; I do not know.

I have felt that the proposal does represent a gain for labor over any previous Mexican labor bills, and I have always taken the position that if one could not get 100 percent of what one wished, one should take 80 percent or if one could not get 80 percent, one should take 75 percent. Perhaps one should not take a minimum of 51 percent, but I have felt that one should take what one could get, and watch for the next step.

Mr. PROXMIRE. The position of the Senator from Wisconsin is that he opposes the proposal because it involves the importation to this country by the Government of braceros who compete with American workers, which, in my judgment, tends to drive down the wages the American workers receive.

Mr. AIKEN. I say to the Senator again, I shall not break down and weep, regardless of what happens on a vote on the conference report. I feel that the extremes on both sides are a little short-sighted.

Mr. PROXMIRE. Mr. President, I now yield to the Senator from Minnesota.

Mr. McCARTHY. Of course, the Senator from Vermont and I have discussed the question of how the bill is unsatisfactory to both sides. The Senator referred to labor and the growers. I do not think this is simply a division as between labor and the growers.

Although organized labor may be interested in the passage of the bill, it could not be said to have an interest in the bill in respect to organized labor. The people with whom we are seeking to deal not only are not Americans but also are not members of organized labor.



The migrant laborers in this country, with very few exceptions, are not members of organized labor. In this case we would have to credit organized labor with a somewhat selfish interest.

Mr. AIKEN. I do not think I used the words "organized labor." I said "labor."

Mr. McCARTHY. I know the Senator did.

Mr. AIKEN. I meant to refer to United States labor.

Mr. McCARTHY. Yes.

In this case organized labor has no direct interest, and unorganized labor really has no voice. We do not know whether those people are interested in the passage of the proposed legislation. I hope they would be benefited some by passage of the proposed legislation.

The dissatisfaction which has been expressed has been expressed by those who have advocated amendments to the bill to improve the program. Primarily they are people concerned with social work and social welfare. Many of the religious groups have long been concerned about the plight of migrant workers.

If, as the Senator says, both sides are dissatisfied with the proposal, that does not mean it is a good bill or a good compromise. Both sides might be correct. It might be a bad proposal from the point of view of all concerned. We would have to look to the particulars in the bill before we really could come to the conclusion which the Senator from Vermont seems to indicate he has accepted.

Mr. AIKEN. Would it not be a good way to settle the problem to permit the bill to go to the White House and let the President veto it? He really has not vetoed a worthwhile bill this year, or even a very bad one. [Laughter.] That might be a good solution.

Mr. McCARTHY. There is some possibility that the bill might be vetoed. I intended later to say that that would be my recommendation, since one of the strong appeals for the amendments—not only those that were adopted, but several others that came from the executive branch of the Government—and the argument in support of the amendments, was that they were necessary in order to carry out the laws as the administration thought they should be carried out. It was felt that some clarification and some sustaining language in the bill which would help them would be needed. Since I am of the opinion that we have not given the administration what was requested, I think it would be really in order for the President to veto the bill.

The President has many burdens at this time, as the Senator from Vermont knows. I do not know whether we ought to distract his attention. If we could insure a veto here this afternoon, I think it might serve the country well.

Mr. PROXMIRE. Mr. President, as I understand, the Senator from New York [Mr. KEATING] has announced that he will later ask for a reconsideration of the vote by which the Senate refused to table the conference report. If such reconsideration is granted, there will then be an opportunity to table the report. The question is, Will that tabling action, which in the judgment of some of us will defend and protect a group of Amer-

icans who have been shamefully exploited, and who are at the very bottom of the economic pyramid, inconvenience or damage in any significant way the farmers of America?

A responsible Cabinet officer, whose face adorns the front of the current issue of Time magazine—Secretary of Labor Arthur Goldberg—has written to the Senator from Minnesota [Mr. McCARTHY] on this subject. I think his letter bears directly on this question the Senate is about to face. He wrote:

I have given considerable thought to your inquiry as to the harm that might be caused to the agricultural community, or to individual growers, if the Congress failed to enact an extension of the Mexican labor program (Public Law 78) at this session. I recognize that at this juncture when consideration of some vitally important legislation is being deferred until next year, such deferral of Public Law 78 enactment is not out of the question.

As you know, the present Mexican labor program expires on December 31 of this year. If the law is not extended before the final adjournment this year, the process of repatriation of the braceros then employed would have to commence immediately after December 31. Funds are included in the currently pending appropriation for beginning the orderly liquidation of the program if that should prove necessary.

So the Labor Department is prepared in the event the conference report is tabled.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. Does the Senator from Wisconsin share the opinion of Secretary of Agriculture Freeman? Does the Senator know what the position of the Secretary of Agriculture is on the enactment of the proposed legislation? I do not know; I am seeking information.

Mr. PROXMIRE. No; the Senator from Wisconsin does not know. Of course, the Senator from Minnesota [Mr. McCARTHY] is the one who obtained the letter. I reason I think the Secretary of Labor was called in is that the bill put him into the situation. As I understand, he is primarily involved in administering the law, although, of course, the Secretary of Agriculture is the Cabinet officer who is most responsible for our farm economy. But I think the judgment of the Secretary of Labor, who is a very able and fair-minded man, is in this case significant and germane in view of his responsibility for administering the law.

Mr. TOWER. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield to the Senator from Texas.

Mr. TOWER. If an extension of the Mexican farm program were rejected, under Public Law 76, or the immigration code, would there be available means by which farmers could obtain Mexican labor where there is a pressing need and where adequate domestic labor is not available for the fruit and vegetable harvest?

Mr. PROXMIRE. I do not wish to evade the specific question of the Senator from Texas, but it is the conclusion of the Secretary of Labor that because of

the timing of these events, because the termination would be on December 31, the Senate would be back in session 10 days later, and any adverse effect would be negligible. I cannot give the Senator a specific answer with respect to Public Law 76, because I do not know.

Mr. TOWER. It is my understanding that under the immigration law, even in the absence of the bracero program, such labor could be made available. I was wondering if the Senator had any idea what the disposition of the administration would be toward trying to help the fruit and vegetable farmers take up the slack, in the event the bracero program is killed, by cooperating with them and helping them to obtain migrant labor where needed in pursuant of the immigration code.

Mr. PROXMIRE. I do not know. All I can do is to assume that the administration would be concerned about the possible impact on those engaged in the fruit and vegetable industry. If significant inconvenience or economic damage should result, as it might, I am sure the administration would do all that would be necessary to alleviate it.

The letter from Secretary of Labor Goldberg is written with full recognition of the total impact of this program, not merely on the producers, who have been particularly and primarily involved in the past, but, as I understand, also on the whole farm economy, including the fruit and vegetable growers.

I continue to read from the letter of Secretary of Labor Goldberg:

Clearly a December 31 termination of the authorization for the Mexican program, followed in a few weeks by enactment of a new authorization, would be costly in the sense of disruption of a going organization, hardship to staff and loss of efficiency both before and after such interruption. In this sense, it is much to be preferred that an adequately revised extension bill be passed at this session.

I must also inform you, however, that deferral of such legislation until early in the next session would not need to cause significant loss in agricultural production or to individual farm employers. This conclusion flows from the fact that January and February are months in which the United States as a whole has a substantial oversupply of rural workers. Employers may in some cases need to pay better wages or to assure that decent housing is available for workers with families, or to make more realistic recruitment efforts in order to attract such workers to the place needed. But in the winter season of heavy unemployment among farm workers, with 3 months' advance notice, no more than modest improvements in job offers would be needed to attract the requisite number of U.S. workers.

That statement is at least a partial answer to the question raised by the Senator from Texas. The letter continues:

Parenthetically, this conclusion is shared by some responsible farm interests in the areas most intimately concerned. This is illustrated by a message received in the Department reading as follows:

"The undersigned grower and shipper of produce in California and Arizona is of the opinion that continuance of the bracero program in an unrestricted manner will further encourage surplus production of subject commodities. For example, cool season crops such as lettuce can be grown and harvested



with domestic labor. The use of braceros is mandatory only in the harvest of hot weather crops in the desert areas. Because of the unlimited supply of braceros they have been exploited by the large commercial packers and shippers of vegetables to the disadvantage of the smaller farmer and individual producer. The surplus production of many items is only defeating the purpose of the program by depressing markets, and returns to growers are thereby lowered to far less than cost of production a great deal of the time."

The conclusion that failure to extend this law this year will not be significantly detrimental to agriculture is, of course, supported also by the fact that the Congress can if it chooses act swiftly to extend the law early next year. The present Congress will reconvene within a week of the termination date of the present law. The necessary hearings will already have been held and the issues, sharply drawn. Under these circumstances the Congress could pass an adequate extension of Public Law 78 with very little delay if the situation demanded it.

Finally, my conclusion is based on the continued existence of the Immigration and Nationality Act under which, without quota limitation, permanent immigrants may be obtained from Mexico to fill farm jobs of more than temporary duration for which U.S. workers are not available.

That is a more precise and specific answer to the Senator from Texas [Mr. TOWER].

Mr. AIKEN. That merely means that if there were no program, the farm operators would make their own arrangements for labor rather than have them made through a Government transaction. Is that not correct?

Mr. PROXMIRE. Yes; and the letter indicates that there is a specific provision in the Immigration and Nationality Act covering that point.

Mr. AIKEN. It means that they would have to make their own negotiations, as they used to do some years ago. That practice was abused and led to the establishment of the Mexican farm labor law, whereby our Government deals with the Mexican Government and makes arrangements to provide the labor that we need. I believe the program has improved the situation tremendously. There are many States which are dependent on Mexican labor. Of course in the Northeast we do not have any such labor. I think practically all this work is done by domestic labor. In New England we have a great many Florida people who come to our part of the country for the harvest season in the fall. They make much more than the minimum wage that is provided for the Mexican labor, and they are therefore not affected by the Mexican farm labor law.

Mr. PROXMIRE. As I read this letter of the Secretary, and when we recognize that, first, this is during a period when there is as surplus of agricultural labor available, not during a shortage period; second, that it could be for a short period of time, because Congress would be in a position to act 10 short days after the act expires; and third, that it is legally possible, as the Senator from Vermont says there is a precedent and experience in securing workers from Mexico—and it has certainly been done before—it seems to me in view of all these circumstances, when we put all these facts together, that the total effect on the

farm economy of tabling this conference report would be minimal, if not negligible.

Mr. AIKEN. It is doubtful that sufficient agricultural labor could be recruited from the unemployed people, particularly in the Northeastern States, to work on the farms, because they receive unemployment compensation which actually amounts to more than they would be paid for working on the farms.

Mr. PROXMIRE. The Senator from Vermont will admit, I am sure, that January and February are not periods in the Northeastern States when there is any need for farm labor.

Mr. AIKEN. In my State the unemployment compensation amounts to \$40 a week, approximately, and these people are not going to look around to be recruited for farm labor.

Mr. PROXMIRE. There would be nothing for them to do on the northern farm either.

Mr. AIKEN. Besides that, they expect to go back to their old job when the season changes. Therefore I believe that this practice, although American labor did not get all that they asked for, improved the situation, since it would prohibit using Mexican labor in processing and packaging and canning, and so forth. It requires them to be paid a reasonable wage, which would undoubtedly be somewhat in excess of what they have been getting up to now.

Mr. PROXMIRE. It is my understanding that the conference report provides for no change in that particular respect, because the conference report eliminates the subsection providing the minimum wage rates other than those already provided for in the act and in the agreement with Mexico.

Mr. AIKEN. That is from the statement on the part of the House managers.

Mr. PROXMIRE. This is from the statement of the agreement between the House and the Senate. This is the conference report.

Mr. AIKEN. The House managers always make that statement. There is not always full agreement between the two Houses. Perhaps I should have studied the report much more closely than I have, in order to determine if there is any difference of opinion between the House and the Senate interpretations of the conference agreement.

Mr. PROXMIRE. I thank the Senator.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Florida.

Mr. HOLLAND. I would not want the record to be left in such shape that it could be inferred that the Mexican Government was willing to continue to proceed on the basis of the law that would be left on the books if this measure should vanish in the disapproval of the conference report.

To the contrary, under the law that existed when the bracero law was enacted, the Mexican Government had been so dissatisfied with the results obtaining, that it notified our Government and notified the interested farming groups that they would not permit the entry of additional Mexican laborers unless some-

thing was worked out that gave the Mexican Government itself control of recruiting. The reason was that under the law as it had been, and would be again if this conference report fails, the farmers, in getting Mexican laborers, simply went across the border and enlisted whomever they could get, and in the main that would be from the areas immediately adjoining the United States.

The Mexican Government said that it was not in those areas that they had heavy unemployment, and they wanted the right to recruit their workmen who were to come to the United States in areas of heavy unemployment.

The Senator from Florida sat in the hearings and in the conference at the time the present law was enacted, and he knows that the Mexican Government at that time, at least, was not satisfied and indicated that it would discontinue allowing these people to come into the United States for the purpose of rendering agricultural labor, which means that those who would come in would be wetbacks. I do not know of any situation under which they can be more greatly imposed upon than when they do come in without legal authority. They are subject to the imposition of abuses of every kind.

Mr. PROXMIRE. Let me point out to the Senator that the position of the Senator from Wisconsin is that, of course, the illegal entry of any alien into this country is something of great concern, particularly when it results in competition with American workers. It seems to me that this is always a problem. The fact that we have had that situation and that we may have it in the future, and have it now to a lesser extent, is no reason for Congress to enact a bill which in the judgment of some of us may result in further diminishing the standard of living of hundreds of thousands of American citizens who are migratory workers.

Mr. HOLLAND. In the first place I do not agree at all with the conclusion that that would be the result. I do not believe it has been the result of the enactment and the existence of the present law.

The second thing I wanted to correct is the apparent understanding of the distinguished Senator from Wisconsin that there is no market for these migrant workers in the wintertime. As a matter of fact, along the Mexican border, in the lower areas of Texas and Arizona and also California, the area which shares with my own State the responsibility for the supply of winter vegetables and fruits and the like, winter is one of the times of heavy need for stoop labor, the very kind of labor that is supplied by the Mexicans.

The third point I wish to make is that whoever is responsible—and I wish to make this absolutely clear, because it is inescapable—whoever is responsible for the failure of the enactment of this law in such a way as to force the operation back on the basis of the prior existing law is going to be answerable to thousands of farmers in many communities in this country and to the people who use their product, and that there will not be any corresponding advantage to our own domestic labor. It



seems to me that instead of, in effect, obstructing the passage of the most constructive legislation which we have been able to work out, the distinguished Senator from Wisconsin and others who feel as he does would be on sounder ground in cooperating in leaving a basis of law under which we can operate, and then look to the future to continue to remedy the existing law.

As the Senator knows, the conference report does improve existing law in several respects. It is not always true to say that it is possible to jump from one unsatisfactory position—if the Senator from Wisconsin regards existing law as that—to an ideal situation. We would be making very real progress by enacting the conference report.

The Senator from Florida has no direct interest, so far as the bill is concerned, in the Mexican labor problem. The very few Mexicans who come to Florida are residents of the United States. They drive to Florida from Texas or some other place where they may live, generally with their whole families, in their automobiles; but there are very few who come to us. So we have no direct interest in this problem at all.

However, I know from a long study made at that time, and from time to time since the time of the enactment of the present law, that real hardship will be done if the conference report is not adopted. That harm will be done before we can get back in the early part of the year to make amends or to correct the situation.

Mr. PROXMIRE. Mr. President, it is my position that no significant progress has been made in the bill as it emerged from conference. All one has to do is to read the third paragraph in the statement of the managers on the part of the House, which makes it clear that whatever improvement there had been in the Senate bill, even before the McCarthy amendment—and there had been some significant improvement—was all given away. There have been some technical changes made, but they are of no significant importance.

Second, as I have tried to document the case, I now summarize it by reading a short paragraph from the letter of the Secretary of Labor:

There will be no significant inconvenience if the conference report is tabled until next year.

Arthur Goldberg concludes by saying:

These various considerations suggest that damage to the farm economy or to individual farmers, if enactment of a Public Law 78 extension were deferred to next year, would be negligible. The anticipated adverse effect upon the Department's staff and upon its operational efficiency, however, are sufficient to lead me to suggest that deferral should take place only if acceptable modifications cannot be achieved at this session.

So the Secretary of Labor recognizes that there will be an adverse effect in rebuilding and revivifying the bureau of the Department of Labor which operates this section of the law. That is a matter of real consideration.

However, so far as the impact on the economy of farms and farmers is concerned, I think he has reasoned very well and carefully that the effect will not be significant.

Mr. HOLLAND. Mr. President, will the Senator from Wisconsin further yield?

Mr. PROXMIRE. I yield.

Mr. HOLLAND. I do not doubt that the distinguished Secretary of Labor thinks he is on sound ground; but basing my own statement on an experience a good deal longer in this field, and upon direct observation of the problem through a good many years, I desire the RECORD to show that in my opinion the Secretary is entirely wrong in his conclusion. I know, having myself conferred with various diplomats of the Mexican Government at the time the present law was enacted, how completely unwilling they were to continue to operate upon the existing law, which is all that would be left if the conference report were not approved.

So far as concerns the improvement made in the conference report, I remind the distinguished Senator from Wisconsin that the provision in the report which prevents the employment of Mexican laborers in highly difficult work or dangerous work in connection with the operation of complicated machinery of one kind or another makes such a difference in the law that certain cotton farming groups in the State of Texas are objecting to the enactment of the conference report, because they say they have used some of the Mexican laborers for the dangerous work. I think the distinguished Senator from Wisconsin will agree that there is an accomplishment, there is an improvement of the law, when we place in it a requirement that the Mexican laborers shall not be used in that kind of work.

The fact that this position has been taken by persons practically affected, who say they will not be able to use Mexican laborers in work on which they have used them because of that provision, ought to appeal, I think, to the humanitarian instincts of the Senator from Wisconsin—and he certainly is humanitarian, for which I honor him—in that he did find that there is a real improvement in this respect made in the conference report as contrasted with existing law.

Mr. PROXMIRE. Yes; but it seems to me the Senator from Florida should recognize—and I am sure he does recognize—how much the Senate gave away.

We provide, in the first place, for the elimination of the subsection providing minimum wage rates other than those already provided for in the act.

In the second place, we have modified the provision relating to the employment of Mexican workers to operate and maintain power-driven machinery will apply only to power-driven, self-propelled harvesting or cultivating machinery. This means, as the Senator from Vermont [Mr. Aiken] indicated, that they may drive pickup trucks and tractors, provided the tractors are not in-

volved in this particular kind of activity. There are many things the Mexicans who make 50 cents an hour can do now under the bill as accepted in conference. It seems to me that that is a loophole which opens up real competition among the workers on American farms.

Mr. HOLLAND. Can they not do those things now, and a great deal more?

Mr. PROXMIRE. Once we adopt the conference report, this situation will be settled for 2 years, I presume. If we do not adopt it, it will afford an opportunity for the Senate to act; and the Senate must act, I think, early next year, in January or February. As the Secretary of Labor has stated, the effect will be limited, because of the very short time which will elapse if the Senate refuses to act now. A reconsideration of the measure will come at the best time of the year for most of the farm economy in America, although I realize that in Florida and Texas, and some of the other Southern States, this is a very active season. But for most of the country, January and February is a part of the year when there is not great activity.

Mr. JORDAN. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. JORDAN. As the Senator from Florida has stated, the conference report makes a very important change in the program in prohibiting the use of Mexican nationals in the operation or maintenance of certain power-driven machinery. The language of the conference report in this respect differs somewhat from that in the bill we sent to conference. The language of the bill prior to conference was not definite enough to suit some members of the conference who insisted that it ought to be specifically spelled out as to the kind of equipment the Mexicans could handle. Under the existing law, the Secretary of Labor has broad authority as to the employment for which Mexican workers may be made available, so a great many Mexican laborers were allowed to use cultivators, combines, and that type of equipment. It was a matter of employing Mexican workers for skilled labor, which should be paid a higher wage scale, high enough to attract domestic workers. The farmers were not employing domestic workers, who were used to a higher wage scale, as long as they could get Mexican workers at lower wages.

One Senator, from a Northwestern State, said the farmers paid combine operators, and persons of that type, \$2.50 an hour. There the competition was intense. So we wrote into the bill a specific provision to meet the objection with respect to the scale of skilled labor. That comes under the heading of skilled labor, and not the heading of danger.

It was also stated that under the provision which went to conference a Mexican could not operate irrigation machinery or turn on a pump, or do ordinary things like that, which require no



special skill or training. We were asked to make the language specific.

I said that if it was desired to clarify the language of the Senate amendment and make it more effective to do what it was intended to do, that was perfectly all right with me. And that is what was done. The limitation was made applicable to jobs which should carry a higher wage scale. The Secretary of Labor said that he did not have power to prohibit the Mexican workers from using such equipment. The conference report spells out that authority as it ought to be spelled out.

I should like to say one other thing about the letter from the Secretary of Labor, a copy of which I also have received. I have great respect for the Secretary of Labor, but I do not believe he understands the farming industry as well as he does labor conditions. He testified, if I am not badly mistaken—his testimony is printed—that the cost of labor was about 3 percent of the price of the crop. The testimony showed conclusively that in the case of cucumbers the laborers got 50 percent of the price. They got half of it for harvesting.

Mr. PROXMIRE. It depends on what is meant by the price of the crop. If one talks about the price the housewife pays when she goes to the store to buy the food at retail in some cases the farmers get such a small percentage of it that the amount of 3 or 4 percent of the total cost of the food for any of the farm processing would be possible.

As the Senator from North Carolina knows perfectly well, the wheat farmer gets a tiny fraction of the cost of a loaf of bread. The cotton farmer gets a small fraction of the cost of a shirt. I think the dairy farmer gets too small a fraction of the cost of a quart of milk when it is purchased in a store. In Wisconsin, dairy farmers get about 6 cents a quart, whereas of course the consumers pay 25 or 26 cents a quart. So it depends on the base used by the Secretary of Labor in making the calculation.

Mr. JORDAN. He was using as the base the price received by the farmer. But, for the cucumbers when they were delivered to the market, the Mexican workers who harvested the crop got half of the sales price.

Cotton is all piecework, and the Mexican laborers and the domestic workers are paid the same price. I know that is the case. They get about 10 cents a pound for picking cotton in the lint, and that is about one-third of the price the cotton brings.

Mr. PROXMIRE. I thank the Senator from North Carolina. I wish to say it is very unpleasant to have to disagree with my two very good friends on the Committee on Agriculture and Forestry, for both of whom I have the highest esteem. Both of them are extremely considerate, and they are most competent in this field. The Senator from North Carolina has been handling this measure very well, under very difficult circumstances; and he has both my admiration and my sympathy.

Mr. President, as I have stated, I feel very strongly that the bill as amended

in conference is grossly inadequate to correct the inequities which now exist.

The amendments included in the Senate version of the bill—not only including the McCarthy amendment, but also including the amendments incorporated by the committee—are absolutely necessary, in my judgment. I believe that without them, the bill should die.

The chief evil of the bracero system is that it helps create and preserve a depressed class of wage earners for a few privileged employers who believe that their labor problems are insoluble without the help of the Federal Government. These employers believe that the Federal Government should provide them with a free farmworkers' placement service. At the present time the Bureau of Employment Security of the U.S. Department of Labor spends an estimated \$10 million a year recruiting domestic farm labor for American growers. The money which pays for this program comes out the pockets of non-agricultural employers who are covered by unemployment insurance. Not satisfied with having the Federal Government recruit cheap domestic labor in depressed rural areas for shipment all over the country, they have also demanded and obtained a carte blanche program for the importation of poverty-stricken Mexican nationals for work on U.S. farms—under the guise that American labor is not available.

Not available at what rate of pay, may I ask? Thirty cents an hour in Arkansas? Fifty cents an hour in several parts of Texas? Sixty cents an hour in New Mexico? It is sheer hypocrisy to say American workers are not available if attempts are made to recruit these workers at decent rates of pay.

It is stated over and over again that if proper standards are insisted upon, such agricultural commodities can no longer be sold at the prices at which they are sold today. Well, perhaps they should not be sold at those prices. I see no reason why the farmers should so enormously subsidize the consumers. But that is exactly what is happening. Certainly a decent, adequate, living wage should be paid to those who do this work; and certainly the Federal Government has an obligation to do all it can to achieve such protection.

Mr. HOLLAND. Mr. President, will the Senator from Wisconsin yield?

The PRESIDING OFFICER (Mr. LAUSCHE in the chair). Does the Senator from Wisconsin yield to the Senator from Florida?

Mr. PROXMIRE. I am happy to yield to the Senator from Florida.

Mr. HOLLAND. I think there is a basic misunderstanding in connection with the argument the Senator from Wisconsin is making. He seems to think that merely by making further efforts to obtain domestic labor, we shall be able to obtain it. However, the fact is that it is impossible to obtain enough labor to do this work, even when good wages are paid.

I wish the RECORD to show that in Florida—as shown by the records of this committee and other committees—a very high rate of pay is offered—well

above the minimum rate of pay for even industrial workers—for migrant agricultural workers. Furthermore, in Florida the employers are required by the Department of Labor to have recruiting offices in distant States—for instance, last year as far away as Missouri; and a good rate of pay is offered. But, even so, it is impossible to obtain the necessary domestic workers. So Florida turns to the offshore areas.

Mr. PROXMIRE. Will the Senator from Florida state the wage that is paid in Florida for such work?

Mr. HOLLAND. The wage for citrus fruit workers is shown by the report made by the Senator from New Jersey [Mr. WILLIAMS] to have been \$1.29 an hour. The rate for vegetable workers is a few cents less than that. I prefer to have the Senator from New Jersey state from his own compilation just what that rate was. But both were above the then existing minimum wage rate for industrial workers in the Nation.

My point is that even when offering wages of that kind, and when offering living conditions which are regulated by our State health department, and when offering various other working conditions which have been used as models in connection with the enactment of some of the migratory labor legislation which has been enacted here in recent weeks, we find it impossible to obtain an adequate supply of domestic labor—to the degree that the Secretary of Labor allows us to bring in approximately 12,000 workers from the Bahamas, Jamaica, and the Barbados, under agreements with the local governments there for the rates of pay I have mentioned. I believe those are the correct figures.

Under those circumstances, how can the Senator from Wisconsin say that ample domestic labor is available? The fact is that we cannot obtain an adequate supply of domestic labor, even by offering the wages we are offering.

So we are paying those rates to people in much more distant areas from the centers of population, in order to get an adequate labor supply to do that necessary stoop labor work.

Mr. PROXMIRE. The answer is, as I have said, that at the present time in Arkansas 30 cents an hour is paid, and in parts of Texas the rate is 50 cents an hour, and in some areas in New Mexico, the rate is 60 cents an hour. It may be there are kinds of toll which are so enormously difficult—including stoop labor—that it is difficult to obtain American citizens to do that work. But in such a situation, why should not that fertile land be used for some other purpose, if we can import food from other countries—and we can import it, not only from Mexico, but also from other countries which have a far lower standard of living, and pay their workers far less. It seems to me we should use our production for other purposes.

Finally, the fact is that we do not have an underproduction or shortage in our farm economy. Instead, we have a gross overproduction. We have been suffering from excess production—with too many persons engaged in farming, not too few. So when we bring in additional hundreds



of thousands of Mexican braceros, the effect is to add to our overproduction, and to add—although indirectly, I agree—to the cost to the taxpayers because of the continuation of that surplus production.

Mr. HOLLAND. But no such surplus of production is found in the areas where highly perishable crops that the Nation wants are being produced at reasonable prices—for instance, fruits such as strawberries, and vegetables—the various commodities of that sort produced in Arizona and in California—which is such a market basket—and in south Texas and Florida. Florida does not have to yield to any other area as a producer of vegetables, fruits, berries, and other highly perishable crops. There is no surplus production of them. We do not look to the Federal Government to pay us price supports or to take steps to eliminate certain of the production. We are willing to pay the bill; and in my State, at least, we are paying the highest wages for agricultural labor that are known, at least in any part of the country about which I know; and we are keeping our heads above water, and are keeping in the black.

It is only in the areas where the philosophy that the farmers have a right to look to the Federal Government to keep them in business applies that the surpluses are found; and they are not areas which require so much stoop labor, as in the picking of tomatoes, strawberries, the gathering of celery, and in many other types of similar employment, where the work has to be done by hand and by stooping.

I do not believe the Senator from Wisconsin will find at all that there is an adequate supply of domestic labor. If there is, then the Secretary of Labor has been improperly certifying, every year, that we in Florida have a right to bring in well-paid workers from offshore areas to do the necessary work; and the Secretary of Labor has made the same finding with reference to the areas that use the Mexican labor.

I do not believe the Secretary of Labor is mistaken in that, because I think one thing he knows about is conditions of employment of American labor. I do not think he knows about conditions of gathering of highly perishable crops which have to rely upon those who perform stoop labor.

I appreciate the Senator's yielding to me. I hope he does not think I differ violently, although I do differ thoroughly with him. I have been up against this problem, even to the formulation of the law which the Senator is unwilling to extend.

Mr. PROXMIRE. I should like to say that the Senator from Florida, who is extremely well informed in this matter, is, of course, mighty persuasive. I think the statistics, however, are a sufficient answer to what he has stated.

According to the U.S. Department of Labor, the wages of migrant farmworkers have decreased steadily ever since the Mexican national program has been in operation. Farm wages have gone up—yes. But the wages of domestic migratory farmworkers—those who are in di-

rect competition with Mexican labor—have gone down. In 1952, the average daily wage earned by migrants was \$6.90. Today it is only \$6. This represents a decrease of about 14 percent.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. In order to make one part of this problem clear, the Senator has been referring to the unusually low-wage rates that are paid. I wanted to cite the instance of cotton, which is of extreme importance in my general section of the Southwest. These pickers, as well as domestic pickers, are paid \$3 a hundred pounds, and a good Mexican or domestic picker can pick anywhere from 200 to 250 pounds a day. It means that the wages are in the neighborhood of \$10 a day. I have watched farmers in my State try to get domestic help. In fact, we would rather have domestic workers, but they pass the farms by and go to work in the aircraft and electronic factories, where they get higher pay and do less arduous work.

The general area of cotton may be different than most of the areas about which the Senator from Wisconsin is speaking, but I know the bracero who comes into Arizona and the valleys of southern California can earn very good money, particularly for him. The braceros go home at the end of the contract period in a rather wealthy condition, when comparing the standard of living in Mexico to our standard of living. We would much prefer to have domestic pickers. They are much less trouble. We have no problems with them. But we just cannot get them. It is the most difficult thing in the world to apply at the employment offices for workers to pick cotton in the fields. It is hard work. I have picked cotton. I know what I am talking about.

Mr. PROXMIRE. Of all the people in America, perhaps the distinguished Senator from Arizona stands out as the champion of the system of supply and demand, the system of competition, the system of relying on the law of the marketplace to determine prices. I admire him for that and agree with him fully in that position. It seems to me, when we have gotten into the position where farmworkers cannot be hired at low wages, to have the department subsidize a program to bring workers from Mexico into this country who will work at a wage which is lower than that which American workers will accept is unfair competition, and is not relying on the law of the marketplace and the law of supply and demand. Frankly, I am surprised that the Senator from Arizona is one who would call for disrupting the law of supply and demand. There are natural forces pushing up farm wages. I am for it, whether we have a minimum wage program or not. Of course, there is no such minimum wage law with regard to agricultural workers. I think the tendency of farm wages to move up under the impact of supply and demand is a good thing, although, with regard to migratory farm labor, as a result of the impact of Mexican farm labor competition, those wages have moved down,

Mr. GOLDWATER. I am not discussing the other field in which braceros work, but I do know that applying the law of supply and demand would not solve the problem. There are many places where that law would solve the problems. I remember, back in the days before the Second World War, that \$5 a day was paid to workers who picked cotton. I think if we removed the controls that are placed on agriculture, we would remove some of the problems. We find in the general field of cotton complete inability to compete with foreign markets, with the exception of a few growers in my area, where they can grow 4 bales to an acre. If we could remove the yoke from around the neck of farmers, I would say the law of supply and demand could be brought into play 100 percent as it relates to labor.

Then we would witness the income of the farmers going up. But today, with the price-cost squeeze because of Government controls, farmers cannot sell their products for what it costs them to grow those crops. I think we are going to have to go a step further. I find myself in the unusual position of arguing for retention of the bracero program, whereas if we were operating in a free agricultural economy, in the 30 percent covered by regulation, I think we would find better wages would prevail.

I will end on this one note, and the Senator is going to find this increasingly true in other agricultural areas. The machine is semi-perfected to run man out of the cotton patch. The machine picks cotton off the ground that the cottonpicker knocks down. It is a Rube Goldberg affair, with widespread rubberbands that spread out and pick up cotton, and the dirt, too; but at the end of the season man would never go into the cottonfield. Such mechanization is being accelerated because of high prices and agricultural controls. When such machines are perfected, we are not going to have to worry about braceros, or domestics, either. I would join the Senator in making an effort to return to the free enterprise system and get agriculture out of politics and Government controls.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. JORDAN. In reply to the remarks the Senator from Arizona has made, I wish to point out that, with regard to cottonpickers, they get one-third of the price the cotton brings on the market. The picker gets 3 cents a pound for seed cotton and it takes about 3½ pounds of seed cotton to make a pound of lint cotton. Is that correct?

Mr. GOLDWATER. That is correct.

Mr. JORDAN. The picker gets a third of the price cotton brings on the market. The Government is paying 8½ cents a pound subsidy on all cotton exported, in order to meet the world market. Is that correct?

Mr. GOLDWATER. That is correct.

Mr. JORDAN. That started on August 1. Before that the Government was paying 6½ cents a pound.

We shall do nothing but hurt the farmer if we kill the program now. As



I have said before, the enactment of the program does not mean one iota to North Carolina, because we do not use such labor, but the Senator's State does and cannot get along without such workers. They have not been able to obtain domestic migratory workers on any terms. I point out that the Secretary of Labor has the right to deny farmers Mexican labor if American labor is available. The Secretary could do it under the old law, and he can do it under this law. I do not see how any harm will come out of the law, but if the bill is not enacted, harm will come out of that.

Mr. GOLDWATER. This is another example to illustrate that when we start tampering with the law of supply and demand there is no end to it.

We try to put controls on cotton by telling a man he can grow so many acres of cotton of such and such quality, and then the first thing we know it is necessary to import labor to pick the cotton. I am convinced that if we had permitted agriculture to continue on its own we would not be arguing about this question at all today.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MANSFIELD. Mr. President, for the information of the Senate, it is my understanding that the Senator from New York [Mr. KEATING], at approximately 3 o'clock, if not before that hour, will offer a motion to reconsider the vote by which the motion to lay on the table the conference report was rejected yesterday.

It is also my understanding that, at the time the motion is made, the distinguished Senator from North Carolina will make a motion to table the motion to reconsider.

Mr. PROXMIRE. Will the Senator yield for a clarification?

Mr. MANSFIELD. Yes.

Mr. PROXMIRE. It is the understanding of the Senator from Wisconsin that there was no motion to reconsider the vote by which the motion to lay on the table was rejected, and no motion to table the motion to reconsider. Because there was no motion to table a motion to reconsider, it is now in order to offer a motion to reconsider; otherwise it would not be in order.

Mr. MANSFIELD. The Senator is correct. If the motion to table is agreed to today, that will end debate on the particular proposal.

Mr. McCARTHY. Mr. President, I have talked to the Senator from New York [Mr. KEATING] who said that in the event his motion is tabled, he will then offer a motion to postpone consideration until a date certain next January, so additional action would be required.

Mr. JORDAN. That would be subject to a vote.

Mr. McCARTHY. Yes.

Mr. MANSFIELD. What is suggested is the privilege of the Senator from New York or of any other Senator. For the information of the Senate, I wished to make the announcement, so that Senators would be prepared.

Mr. PROXMIRE. Mr. President, in view of the very brief time remaining, it

seems to me I have very little time to cover what I have to say, so I think I should insist on speaking without yielding for the next few minutes, and then I shall yield the floor.

I go back to this "cottonpickin'" conversation in which we were engaged. [Laughter.]

Take Arkansas, for example. This year, the opening rate in three Arkansas counties for domestic cotton choppers was between 30 and 35 cents an hour. In these same areas Mexican nationals were receiving the minimum of 50 cents an hour. It does no good for Arkansas growers to tell us that the only people available for work were a few women and children. What kind of labor can they expect to get for 30 cents an hour? What able-bodied man can support himself and his family at this rate of pay?

Thirty cents an hour, for 10 hours a day, is \$3 a day.

In several sections of Texas, the average rate for farm labor has remained at 50 cents an hour ever since the bracero program has been in operation.

It does no good for growers to say the Secretary of Labor already has the authority to protect domestic wage rates. Whenever the Secretary of Labor attempts to exert his authority under the law, he is sued in court by the growers. At the present time, in Washington, D.C., the growers and the whole State of New Mexico are objecting in Federal court to a prevailing wage order issued by the Secretary.

It does no good for the growers to say that braceros must be paid the prevailing rate of pay, because the prevailing rate of pay is whatever the growers want it to be. Where there is a large influx of foreign labor, there is no compunction on growers to raise prevailing wages in order to attract domestic labor.

That is why I insisted, in my colloquy with the distinguished Senator from Arizona, that if we are to be in favor of supply and demand we should be in favor of it whether it applies to domestic or migratory workers, to businesses which are competing, or to our whole farm economy.

Why should wages be raised when Mexicans can be obtained at the lower rate of pay? In other words, when large amounts of foreign labor are imported into the country, there is no free labor market and the law of supply and demand no longer applies.

The whole program, as it operates at the present time, is a travesty of every economic idea we in this Nation hold sacred. What would be the reaction of American cottongrowers if the domestic market were flooded with cheap foreign cotton by governmental sanction? If such a system is not good as applied to commodities, it is even worse as applied to human labor.

I called the program a travesty. It is. I would call it a farce, except that there is nothing funny about the adverse effect this program has on the poorest of the poor in our society, migratory farmworkers and their families.

The McCarthy wage amendment would help alleviate this situation. It would not cure it entirely. Actually, it is a

very mild amendment—too mild, as far as I am concerned. Nevertheless, without such an amendment it would be unconscionable to extend the Mexican national program.

All the amendment did was to require growers who use Mexican workers to pay those workers 90 percent of the average farm wage rate in the State or the Nation, whichever is the lower. By raising Mexican wages it might indirectly help raise domestic wages a little in those areas where Mexicans are employed.

This is not a minimum wage for agriculture. It applies only to the growers who use Mexican labor. It is not an extension of the Secretary of Labor's authority. The Secretary of Labor already has the authority to set wages for Mexican nationals. That is why there is a 50-cent an hour minimum for Mexican braceros. Rather than an extension of the Secretary's authority, it is actually a limitation. It sets a standard or criteria which the Secretary must follow in setting wages for Mexican nationals. The McCarthy amendment merely sets congressional guidelines as to how the Secretary may determine what the Mexican workers should receive.

This amendment did not remove the agricultural exemption contained in the Fair Labor Standards Act. Anyone who claims this does not know the law. It would be legally impossible to remove an exemption contained in the Fair Labor Standards Act by amending Public Law 78. This amendment applies only to the users of Mexican nationals—less than 2 percent of the growers in the United States. It sets wages for Mexican workers, not domestic workers.

I have heard it said over and over again in the cloakrooms, off the floor, and on the floor, that Senators feel very strongly the McCarthy amendment should not prevail because they do not wish to have the Secretary of Labor set farm wages, or a minimum wage for farm labor. As I have pointed out, the amendment does not so provide. It relates to wages for Mexican workers, not domestic workers.

The amendment might have the indirect effect of raising wages for domestic labor, but I would remind the Senate that the 50-cent minimum imposed on growers who use Mexican labor also had this effect. In other words, the principle involved has been in effect in relation to Public Law 78 for several years.

By eliminating the McCarthy wage amendment, the Congress has endangered the entire program. The administration has made known that it is against any passage of this program without substantial reform.

Let us not be guilty once again of ignoring the plight of the migrants and their families. Let us take a step in the direction of restoring a free labor market to American agriculture. Let us begin now to eliminate a farm labor system based on poverty and destitution.

Mr. President, I yield the floor.

Mr. ELLENDER. Mr. President, I wish to make a very short statement in regard to the proposal before the Senate today.



The conference committee which met last week to iron out the difficulties between the House and Senate did the best job possible. There was insistence on the part of the House conferees that the law be extended for 2 years without qualifications.

What the conference did—in fact, what the Senate did—was to make it almost impossible for any Mexican labor to be brought into this country except those who do so-called stoop labor.

As we all know, the question of providing labor is left entirely in the hands of the Secretary of Labor. Not one single Mexican laborer can come across the border to work in this country unless the Secretary of Labor finds there is no local U.S. citizen available to do the job in question.

In my judgment, this program ought to be extended for another 2 years. It has been on the statute books now for more than 10 years, and it has worked well.

The purpose of the Mexican farm labor program is to bring in workers to perform work for which domestic workers are not available. Essentially these are the jobs commonly referred to as stoop labor. H.R. 2010, as approved by the conference, contains a number of additional provisions designed to insure that Mexican workers will not be recruited to fill jobs which could be filled by domestic workers. Section 3 of the conference substitute adds a new section 504 to the basic law to impose two additional safeguards in this respect. The first safeguard prohibits the employment of Mexican workers recruited under the act for other than temporary or seasonal occupations, except in specific cases where the Secretary of Labor finds that such employment is necessary to avoid undue hardship. The purpose of the program is to provide employment to meet the temporary and seasonal needs of agriculture. During such periods of peak seasonal employment, the employers may find it difficult to obtain domestic workers for year-round employment. However, except in very unusual circumstances, the conference substitute requires that such year-round jobs shall be filled only by domestic workers.

The second restriction imposed by section 504 prohibits the employment of workers recruited under the act to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except when the Secretary of Labor determines that such employment is necessary to prevent hardship. The whole purpose of the program is to provide workers to fill jobs for which domestic workers cannot be obtained. There is no reason why domestic workers should not be obtainable for the jobs that require skill and training, which do not require hard physical work, and which normally bring better wages. However, it appears that Mexican workers have been made available under the program for the operation of tractors and other machinery. The conference report would reserve these better jobs for domestic workers and restrict the employment of Mexicans to

the less desirable jobs for which domestic workers are not available.

The term "agricultural employment" as currently defined in Public Law 78 includes cotton compressing and storing, crushing of oil seeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonable agricultural products.

The conference substitute would further restrict the employment of Mexican workers recruited under Public Law 78 by eliminating the employment just described from the definition of "agricultural employment." The use of such workers for commercial compressing and storing, oil seed crushing, and packing, canning, freezing, drying, or other processing of commodities would be prohibited in the future, subject to certain minor exceptions where the work is done for the farmer producing the commodity.

Under existing law workers can be recruited only to assist in such production of agricultural commodities as the Secretary of Agriculture deems necessary. They may not be made available for employment in any area unless the Secretary of Labor determines that domestic workers are not available to perform the work. They cannot be made available in any area if their employment will adversely affect the wages and working conditions of domestic agricultural workers. They cannot be made available in any area unless the Secretary of Labor determines that reasonable efforts have been made to attract domestic workers at comparable wages and hours, and to this provision the conference report adds the further requirement that reasonable efforts must have been made to attract domestic workers at comparable working conditions.

The conference report enlarges the already broad powers conferred upon the Secretary for the protection of domestic workers. The Secretary of Labor is now required to see that the program does not adversely affect wages and working conditions of domestic workers similarly employed. In the future, he will be prohibited from making workers available for other than seasonal or temporary employment. He will be prohibited from making workers available for the maintenance or operation of tractors or other power-driven, self-propelled farm machinery. In the future he will be prohibited from making workers available for cotton compressing or storing, oil seed crushing, or the packing, canning, freezing, drying, or other processing of agricultural products. These additional prohibitions would be imposed even though the Secretary of Labor cannot now make Mexican workers recruited under the act available for these activities if their employment would adversely affect wages and working conditions of domestic workers or fill jobs for which domestic workers are available.

I hope that the conference report will be agreed to. If it is not, and the law is permitted to lapse, I warn that we shall return to the old wetback system, and no one wants this. However, that is what will happen unless the conference report is agreed to.

Mr. WILLIAMS of New Jersey. Mr. President, in the recent past, the American public has become increasingly aware of the intolerable living and working conditions which the migratory farmworker endures. This new awareness and concern, on the part of the public, is attributable in large measure to the extensive and outstanding coverage of the problem by numerous newspapers throughout the Nation.

One of the most recent examples of this coverage is an excellent and informative series of five articles entitled "Long Island's Migrants," written by Mr. Harvey Aronson. Mr. Aronson's articles appeared in the Garden City, Long Island, N.Y., *Newsday* on August 28 through September 1.

The articles give a very objective picture of the lives of the migrants who travel to Long Island each year to work in the fields. Some live better than others, but Mr. Aronson points out that—

All of them represent a problem that cries out for attention. \* \* \* Sometimes, it is as though the surrounding community looks right through the migrants and doesn't see them. But they are very much there—they are a part of Long Island's economy, and they constitute one of its problems.

Because Mr. Aronson's articles are indicative of growing national interest in and concern for our migratory farm families, and because they recognize the urgent need for concerted effort to improve the living and working conditions of these underprivileged citizens, I ask unanimous consent that the articles appear in the *RECORD* at this point.

There being no objection, the articles were ordered to be printed in the *RECORD*, as follows:

#### LONG ISLAND'S MIGRANTS—I

(By Harvey Aronson)

(NOTE.—They arrive each year on Long Island by the thousands, following the sun and the crops. If it's a good season and the back-breaking work is steady, they may manage to save some money. If it's not, they tighten their belts and hope for a better harvest. Some are exploited, some are not. But all of them represent a problem that cries out for attention. Here is the story of the migrants in our midst.)

Each year thousands of migrant workers come to Long Island. They come by truck, bus, car, and plane to work on farms, in grading houses and nurseries. They move with bent backs through the strawberry rows of Calverton, and they labor among the potato fields that stretch north and east of Riverhead. Some of them pitch horseshoes in the afternoons, when there is no work, and others sit in front of shacks drowning their dreams in bottles.

There are no typical migrants; just individuals. There are the young Puerto Ricans who walk aimlessly along the streets of East Northport, or sit at a picnic table in a children's playground and talk. There is the jobless Negro from Maryland staring disconsolately at a pot of butter beans cooking on a portable stove in a Cutchogue labor camp. There is the denim-clad old man tinkering with a rusty carburetor in a Riverhead yard who wants to go home to Florida because "I kin make more money there, and there ain't no snow and cold weather, and you kin fish the year round." There also is the 40-year-old Jamaican who sits at a table teaching himself to print the alphabet and says proudly that he is able to make as



much as \$90 a week in the fields of the North Fork. And there is the grandmother in South Huntington whose family uses a privy, but owns a 1960 sedan.

The migrant laborers on Long Island are part of the great stream of itinerant farmworkers who follow the sun across the country earning an annual wage that averages out into only hundreds of dollars. Migrants are vital to the agricultural economy of eastern Suffolk, but they also live and work in the suburbanized western section of the county, up against the Nassau border. (In development-cluttered Huntington Town, for example, there are about 15 registered farm labor camps.)

In the early 1900's, the migrants were Polish. But these people stayed with the land, and now they are the farmers. Although the seasonal work force has been decimated over the past decade by mechanization, chemical weed-control and the sales of farms to developers, there are still thousands of migrants. They are needed sporadically from June through October for such crops as strawberries, cauliflower, cabbage and potatoes. Last year, there were more than 4,500 migrant workers in Suffolk County. More than 3,500 of these were Negroes who had trailed the crops north from Florida, Mississippi, Virginia, and Maryland, while upwards of 500 were Puerto Ricans. The balance consisted of Jamaicans, and of itinerants from within New York State itself.

For these people, Suffolk County is a place where they stay for a few weeks or months out of the year. They bring their sweat and weariness into regulated labor camps that provide functional-to-good housing, and into boardinghouses that are adequate, and hovels that are not. For one migrant, "home" is an unregulated rundown shack off Sound Avenue, Riverhead, that has no running water. For a second, it is a dusty labor camp in Cutchogue. For a third, it is his own pleasantly furnished room in an East Northport cottage that would do justice to any development.

If a stranger walks among these people, he finds himself traveling in an alien world. And as it is for any tourist, there will be scenes that stand out. Perhaps, there will be the camp of Puerto Ricans in Huntington, where a huge pot of rice and beans cooks on a stove and the men come in from the fields to eat, read mail from home and listen to a Spanish-language radio station. Possibly, it will be the dirt-streaked little Negro boy in Aquebogue pulling at a white man's pants and begging for money. Or maybe the scene that comes to mind will be that of the Puerto Rican strawberry picker who is happy where he is, but doesn't know where he will go the following week when the harvest is over and the farmer can't afford to keep him. "Maybe, you have a job for me?" he says.

Basically, the migrant's world is a poor one, and aspiration is not easy to come by. A good number of migrants are men who either are single or who leave their families home. Others bring their wives, and a few bring children. All of them come to Long Island for a simple reason: to earn a living. It's a hard one. Farming is dependent on the weather and the market. And agricultural workers in New York State are excluded from legal protections afforded employees in industry. There is no minimum wage for them, no hospital insurance, no workmen's compensation. The only migrants who enjoy such guarantees are about 200 Puerto Ricans who come here under a contract sponsored by their Commonwealth.

The average migrant pays about \$3 a week rent, and about \$12 a week for his meals if he eats at a camp mess hall. His income ranges from zero, when there is no work, to as much as \$70-\$90 a week. However,

the latter figures are the exception. A survey taken 2 years ago showed the average weekly wage of the Suffolk migrant to be \$26.23. An ex-migrant testifying this spring at a congressional hearing said she rarely took home more than \$5 a week last year in a potato-grading house. "They bring us up from the south and make slaves out of us," she said.

If there is a "harvest of shame" being reaped among migrants (and there are many persons who feel the TV show of that title gave a false picture), there also are seeds of progress being planted. Many farmers try to do the best they can for their help, and there are people attempting to aid seasonal workers. Nevertheless, it is a drab life—especially so for the small percentage of migrants who become part of Long Island's permanent population each year. Some want to stay in the North. Others are without means to return home either because of their own slothfulness, or because they have been exploited. And they crowd into the year-round slums of Riverhead—filthy shacktowns unregulated by housing codes. Many of them wind up on welfare rolls and police reports.

For all migrants there is another pitfall—community indifference. It is not just the white community; even resident Negroes are reluctant to accept Negro migrants. "They seem to be lost when they come into a place, and people let them stay lost," said a man who has worked among migrants. A Negro migrant explained his leisure time this way: "I go down to the sound and watch people fish. I wish I had a rod; I would fish, too. Sometimes, we get to jump in a car with other boys, and we just ride through town. Maybe we get beer and whisky." A Puerto Rican in Calverton said that on Sunday, "we clean the barracks and sit around. I would like to go to church, but I don't know where it is."

Sometimes, it is as though the surrounding community looks right through the migrants and doesn't see them. But they are very much there—they are a part of Long Island's economy, and they constitute one of its problems.

#### LONG ISLAND'S MIGRANTS—II

(By Harvey Aronson)

(NOTE.—Housing for the migrant is a world of squalid buildings, minimum sanitary facilities—and, in some cases, adequate comfort. It is a world filled with loneliness and contrast. And for the ex-migrant, housing usually means a decrepit slum and a future to match.)

In one place, there is vinyl linoleum on the floor. In a second, there are venetian blinds and freshly varnished furniture. In a third, old curtains sag from a piece of string. In a fourth, a small refrigerator is overcrowded with ribs, lard, and frankfurters, and a grease-caked frying pan sits on a dirty stove. In a fifth, a child is sleeping in a torn blanket on the floor of a bare, dusty room.

These are all places where migrant workers live on Long Island. Migrant housing can be anything from a cinder-block barracks to a small cottage. If it is a farm labor camp occupied by five or more itinerant workers, it comes under a State code and health department supervision, and is a functional—quite possible a good—place to live. Otherwise, it may be an overcrowded boarding house or a rundown shanty on the edge of a potato field. In any case, it probably is a better place than the year-round slum that is home to the ex-migrant—the onetime itinerant who has had the misfortune to become a permanent member of the community.

The best housing is provided by the regulated camps that stretch across Suffolk, occasionally turning up in incongruous places. A small camp of Puerto Rican workers is

located within throwing distance of a housing development on bustling Larkfield Road in East Northport. Puerto Ricans also live at a farm in Kings Park just west of Sunken Meadow State Parkway. Motorists probably find the farm a pleasant view; but a small building in their line of sight is the camp's outhouse.

Visit the migrant camps and you know that you are a tourist among transients. There are the Spanish-language newspapers and the airline bags with San Juan tags; there are the cars with the Mississippi and Florida license plates. In some camps, there is the smell of sweat in the shower rooms. In others, there is the antiseptic scent of cleanliness in newlyequipped kitchens.

The largest camps in the county are a Greenport installation for Puerto Ricans and a camp for southern Negroes in Cutchogue. Both are operated by a farmers' cooperative. The Greenport camp is marked by the loneliness of single men at mail call; the Cutchogue camp is oppressive with the poverty of wandering families. As many as 175 migrants live at Cutchogue from June to January, paying \$3 a week rent a person or \$12 a week for a small 2½-room family unit. The camp is livable, but it is not one of the better ones in the county. If there is a luxury feature at the camp, it is the fact that the latrines have flush toilets.

A visitor to the Cutchogue camp drives in on a black-topped road that is flanked by a scraggly wire fence. He sees rows of tarpaper-shingled cabins, a shower room, dingy compartmented barracks, and a clean, white-painted child-care center that is sponsored by both the State and the cooperative. He also sees an office, a small store, and a restaurant called the Dixie Belle Inn. There are signs inside the Dixie Belle reading "Please pay when served," "Positively no credit," and "Positively no cussing."

Last year there were 100 registered camps operating in Suffolk. This year, 75 already are in operation. These camps must conform with the health and housing requirements of the State code, which calls for such things as fire-resistant new construction, hot and cold running water, 40 square feet of floor area for each person, a showerhead for each 18 persons, and a flush toilet or privy seat for every 15 persons.

The operators of the camps must obtain permits from the Suffolk Health Department, and the department's inspectors make regular and thorough checks. There are cesspools in one North Fork camp because a health department inspector visited the place on a hot summer day some years ago and smelled sewage that had been running off into nearby woods.

#### CODE DOESN'T APPLY

Where there are less than five migrants, the building does not come under the State code. The result is that standards may not be as high. Other places have been classified as multiple dwellings rather than migrant camps. Here, the most frequent result is overcrowding—a condition that was graphically illustrated this June when the Huntington Town Building Department raided a house just north of the East Northport business district. The raiders found Puerto Ricans living in the cellar, the attics, and the garage, and the owner of the house said there were other buildings in the town where conditions were worse.

Some migrants who come to Long Island never go home. These are the "settled" or ex-migrants, some of whom land on welfare rolls. There are hundreds of them living in the Riverhead area, in places called the Bottom, Tintops, Belitown, and Duck Farm. These are not migrant camps, they are year-round slums. They are places like a shacktown off Cranberry Street in Riverhead where a drunken Negro called a white man "boss," where there were two water spigots and a group of outhouses, flimsily strung wire, and



a bare square of earth where a shanty had burned down. The landlord, Ejenar Boden, told a health department official this summer: "These people don't have any other place to go. What do you want me to do, throw them out? Let the town tear it all down and build something else." He pointed to a tenant and said, "I'd just like to have nice people like this old guy." The "old guy" was a drunk, mumbling that he always paid his \$5-a-week rent.

There is little that can be done about the slums. Riverhead has no housing code to prevent them from spreading, and the slums are not migrant camps that come under State regulation. "We're taking care of the camps," says Suffolk Health Department Sanitarian Sid Beckwith. "The problems are in the slums, where the towns should have laws to keep shacks from going up."

The slum-dwellers who want to better themselves have little chance of doing so. "We pay \$12 a week where we live," said a young woman from the Bottom, "and we pay extra for our utilities. We'd like to live someplace better, but there isn't any place. There was an ad in the paper for these apartments down on Main Street. They were \$65 a month, and we called up and the man said 'Okay.' But when my mother and I went down there and he saw we were colored, he said the apartments had been taken. But we saw the ad for 5 weeks after that."

A local Negro leader summed up the town's attitude toward the slums. "They're building a big new school near the Bottom," he said, "and the way we figure, they won't worry about tearing down the slums, they'll just build a high fence around the school."

#### LONG ISLAND'S MIGRANTS—III

(By Harvey Aronson)

(NOTE.—Work for the migrant is tough, strenuous and irregular. Few of them receive the benefits of industrial workers, if they are injured. Some are subject to outright exploitation. Despite all this, some farmers have no choice but to pay low wages.)

There was no work in the fields, and the residents of the Suffolk migrant camp lazed about in the July heat. A Negro from Aiken, S.C., sat on a wooden box in front of the two-and-a-half-room barracks apartment where he lived with his wife and six children. "I ain't had no steady work for 3 weeks," he said. "Just sometimes maybe a day and a half, and then nothing. I pay \$12 a week rent, and I figure it cost us \$20 a week for groceries. I owe the man in the store everything I have."

A few weeks before, the migrant and his wife had earned \$115 in 4 days picking strawberries for 7 cents a basket. And a few weeks later, they were working again as the potato harvest began. But on that hot, listless day in July, they were broke and in debt to the future. And it was no single person's fault. There are times when migrants are illegally and specifically exploited, but the basic villain is a system of seasonal farm labor in which the worker has none of the economic safeguards that are taken for granted in industry. There is no minimum wage for the itinerant farm employee in New York; no compulsory workmen's compensation, no unemployment or health benefits. And there is no union for fieldhands.

Under this system, an honest, hardworking migrant can come to Long Island and live in a camp operated by honest, hardworking farmers. He can labor in the fields when work is available. He can scratch the dust with his shoe, or get drunk, when there isn't any work. And despite everybody's good intentions, he can wind up like a Maryland Negro who recently told a visitor: "Ain't no work, and I'm a long way from home. See that pot over there. Them's butter beans, and that's all we got."

#### DEPRESSING WAGE PICTURE

In terms of wages, the picture is depressing. According to a Senate committee, the average migrant in the United States makes \$710 for 119 days' work on farms each year. His nonfarm income raises the figure to \$911. A survey taken 2 years ago showed that the average wage of the migrant in Suffolk County was only \$26.23 a week. And there is another factor. Mechanization has reduced the migrant's numbers and resulted in economic savings to the farmer. But only a small portion of these savings has been returned to the worker.

Except for about 200 contract workers from Puerto Rico, the average Long Island migrant earns low wages and has no security. He can lose an arm in a farm accident, for example, and never collect compensation for it. The Puerto Rican contract workers are a dramatic exception. They are hired through a contract established by the Puerto Rican Department of Labor. The contract—which covers as many as 7,000 workers in New Jersey—provides for group insurance (87 cents a week is deducted from the worker's earnings), workmen's compensation, and a guaranteed wage of 160 hours' work every 4 weeks. On Long Island, this is figured at 80 cents an hour. The laborer receives this sum whether he works the 160 hours or not.

But the contract Puerto Ricans are only a small percentage of the migrant work force on Long Island. In fact, there are more Puerto Ricans who come in without the contract. Some of them work for employers who have hired them in the past; others just drift. This June, a group of Puerto Ricans in a Calverton strawberry field told an interviewer that they still were owed back wages for employment in Maryland. They were happy in Calverton, but where would they go when the strawberry season ended? "No se," said one of them. "I don't know."

#### DETAILS OF EXPLOITATION

Along with the disadvantages of a general system, the average migrant also faces the possibility of specific exploitation. Frequently, this is blamed on the crewleader system in which workers are brought north by a so-called crew leader, or labor contractor. The farmer pays the crew leader, who then pays the workers. An elderly Negro woman told a congressional committee last May that her crew leader in Suffolk never gave her more than \$16 a week for 6 days' work. She said she worked from 6 a.m. to midnight. "They took out social security on me with no number," she said. "I paid a dollar for union fees, and I don't know what kind of union I was in." (The Senate last week passed a bill aimed at curbing exploitation by crew leaders, but delays in the House are expected to hold up final passage for at least a year.)

Generally, farmers admit that the crew leader system can lead to exploitation, but they defend it as an efficient way of hiring southern workers. And they point out that crew leaders must register with the State industrial commissioner. Also, exploitation occurs among migrants who come to Long Island by themselves. Some employers illegally recruit workers from Puerto Rico and then take advantage of them. There are a few farmers who may directly exploit their help. And there are migrants who prey on other migrants with cards, dice and wine.

However, the picture is not all one-sided. Despite the platitudes of many would-be reformers, all migrants are not heroic figures holding their chins up. And all farmers are not unscrupulous villains. There are migrants who are impoverished because of their own laziness or because they are spendthrifts. And farmers have to contend with the weather, the market, and high expenses, and can't always afford to pay good wages. Many farmers feel that the public should be

willing to help foot the bill for eradicating misery among migrants. "I see nothing wrong if society is willing to pay me to pay my men more," says Calverton farmer William Zeh. "My scales are low, but I can't return enough to pay higher."

The essential fact remains, however. And this is that the migrant is an excluded person on Long Island. He is excluded from economic protection, and he is excluded from the community in which he lives and works. He comes into a camp and he is asked his name, and the name of someone to notify in case of an accident. When he is through work, there is no place to go, little to do. A group of Puerto Ricans talk in the soft syllables of their native tongue outside a camp in Huntington Town on a summer night, an old Negro from Florida tells you that "I got enough of this Sound Avenue (Riverhead). There ain't no place to go less you get a ride, and you just can't get somebody to stop and pick you up. You gotta pay. I pay out more money for getting rides."

It is something of a paradox. The migrant is ignored but necessary. Louise Anderson, the wife of a foreman on a Calverton farm, explained it this way: "We used to have migrant workers, and I treated them wonderful. I said to myself that if it was not for them, how would this harvest be taken care of?"

On Long Island, there are other people who try to help migrants. There also are people who just say they care, but do little to back up their words. And there are a great many who just don't give a damn.

#### LONG ISLAND'S MIGRANTS—IV

(By Harvey Aronson)

(NOTE.—When the noise and smoke of statements and headlines are cleared away, very few groups are actively working to make life easier for the migrant. There are many more promises than actual performances.)

Anyone can walk into the barren world of the migrant farmworker, but few people make the trip. Most of them just go through the motions of entering, or stand on the periphery and stare inside.

There has been a great deal of noise about the migrant's plight, but much of it has been made by empty barrels. There are officials content to make superficial gestures toward solving the problem, and there are political figures who appear to be more interested in sensational headlines than in genuinely helping anyone. There also are do-gooders who mostly do nothing, or even do bad.

Fortunately, there are people on the other side of the ledger who are working sincerely to aid migrants on both governmental and social levels. These include legislative and administrative officials who are close to the problem, persons whose jobs bring them into contact with farmworkers, and volunteers who "want to help."

Probably the outstanding Long Island agency involved in the migrant field is the Suffolk Health Department. Registered migrant camps are livable because of the thoroughness and fairmindedness of the health department inspectors who check them regularly. The department, which shrugs off pressure from both political and farm quarters, also works with the State employment office to obtain better standards in migrant housing that does not come under the farm-camp code.

Health Department Sanitarian Sid Beckwith may well be the county's top expert on the realities of migrant life. He achieved his expertness by inspecting camps, and by talking to both migrants and farmers over a period of years. Farm representatives may not always agree with him, but they respect him. It is Beckwith's feeling that "the general public believes the solution belongs to the group employing the migrant labor—the farmer. The problem actually belongs to all



groups; farmers, wholesalers, public agencies, communities and municipalities."

Officials such as Beckwith make worthwhile contributions toward doing something about the migrant problem. But the trouble is that for every Sid Beckwith, there is an official who may talk glibly of migrants but whose ostensible expertness is purely second hand.

Much of the programs aimed at migrants stem from the work of legislative committees. Nationally, there are two major groups in this field—a Senate unit headed by New Jersey Democrat HARRISON WILLIAMS, and a House group chaired by New York Democrat HERBERT ZELENSKO.

The Williams unit has been impressive in pioneering migrant reforms. The Zelenko subcommittee is seeking similar worthwhile legislation, but it has drawn mixed reaction from some observers. At hearings held by the House group in New York this past May, farm representatives complained that they were not given a chance to fully state their positions. The sensational testimony of one witness, a New Jersey migrant, was discredited after it had produced headlines in the Spanish press. A number of persons in the Riverhead area told a reporter of being contacted by committee investigations. But they said that the investigators appeared to be primarily interested in whether they knew of any abuses of a sensational nature. One committee representative was reported as saying that his major objective was to get headlines.

In Suffolk County, a citizens' unit has been appointed to study the migrant problem. The group, the Suffolk County Migrant Labor and Slum Clearance Committee, was organized a year and a half ago. Committee Chairman Thomson C. McGowan, of Huntington, said at a recent civic meeting that the group has been studying the problem intensively. As yet, however, its material program has been primarily of a pilot nature.

The group started a pilot project last fall, a 4-H Club for slum children. McGowan, who testified at length before the Zelenko committee, feels that a settlement house type of center is needed urgently for migrants and ex-migrants in the Riverhead area. The committee has recommended the establishment of a fully staffed center on Doctors' Path in Riverhead. A site previously proposed by McGowan was rejected after it was learned that a suggested wading pool on it was a polluted stream.

#### TALES OF THE "DO GOODERS"

The migrant problem also involves a number of zealous but somewhat less-than-knowledgeable "do gooders." There is the woman who walked through a migrant barracks and indignantly told a health department inspector, "Why, they don't even have any reading lamps over their beds!" There is the group of teenagers from a Long Island church who visited the Cutchogue labor camp one winter and promised camp manager John Murphy that they would come back in the spring to paint the buildings. "But I never saw them again," says Murphy. He adds that "the average white person is afraid to go in the camp alone. If anybody really wants to know what it's like, they should spend a weekend here."

The most impressive social group actually working inside the migrant world consists of young people from everywhere except the North Fork of Long Island. It is a group of 19 college students from throughout the United States and abroad, who are taking part in a work project sponsored by the American Friends Service Committee. Only Mr. and Mrs. Scott Crom, leaders of the group, are Quakers. The others are Jews, Protestants, Moslems.

The students, who pay their own expenses, are working with children from slums and migrant camps, and have also started a program for adults. The resultant scenes

are heartwarming. Barbara Brandt, a pretty coed from Brooklyn, plays her guitar and sings to an appreciative audience in a migrant camp. A reporter who is taking part in an afternoon project with the group feels the curious stares of white sunbathers as he stands on a beach with the students and about 50 to 60 Negro children from the shantytowns of Riverhead. One white woman moves angrily down the beach, and talks to other bathers. She points at the slum group.

But the students are oblivious. The colored children run on the shore and jump in the water, splashing and squealing. And Hormoz Alizadeh, from Iran, recounts an experience he recently had while on the beach with the slum children. "A woman came up to me and said 'What are you doing here? Why don't you keep them where they belong?'" Alizadeh said he told the woman, "Madam, they belong everywhere."

#### LONG ISLAND'S MIGRANTS—V

(By Harvey Aronson)

(NOTE.—Here are the proposals of officials who know what can and should be done to aid the migrant. In some areas, a start has been made; in others, little has even been contemplated.)

"It seems almost impossible that a Nation dedicated to social justice can permit some 2 million of our fellow Americans to live among us without any of the rights that the rest of us take for granted."

The speaker was Senator HARRISON A. WILLIAMS, Jr., Democrat, of New Jersey, chairman of the Senate Subcommittee on Migrant Labor. And the people he was discussing were the itinerant farmworkers who trek across the United States each year, trying to grub a livelihood out of its fields. They are vital to the country's farm economy, and yet they have few of the economic and social safeguards enjoyed by industrial workers.

Authorities interested in improving migrant labor conditions feel that there is an urgent need for Federal laws that would cover wage guarantees, accident compensation, crew leader registration, and transportation of migrants. Locally on Long Island, observers also see a need for stricter town housing regulations, centralization of migrant agencies, tighter relief policies, and community awareness of the migrant.

The major breakthrough in a migrant reform program would be a Federal minimum wage. Supporters of such legislation feel that it should be national rather than statewide so that a farmer in one State is not forced to compete at an economic disadvantage with a farmer in another State. The Williams subcommittee has proposed an agricultural minimum that would start at 75 cents an hour and rise to the industrial rate in 4 years. Farm bureaus oppose a minimum wage on the grounds that the farmers' livelihood is too precarious. However, there are individual farmers who think differently. Said one Long Island farmer: "I do not object to any legislation providing it's universal, providing growers can compete under the same conditions."

#### NEED FOR FEDERAL MINIMUM WAGE

One of the advocates of a Federal minimum wage is Joseph Monserrat, chief of the migrant division of the Puerto Rico Department of Labor. "Farm groups in northern States have higher standards than in other areas," he said. "For the sake of preservation against unfair competition, they should promote standard standards across the country. They could begin with wages by having a Federal minimum wage."

Monserrat also feels strongly about the need for compulsory workmen's compensation, a form of protection that is provided for agricultural workers in only a few States—New York not among them. "I think it is something that should bother the

conscience of people," said Monserrat, "that the workers who pick our food and fiber in 1961 can lose an arm or a leg and not collect a cent for it because there is no compensation, while their brothers in industry can."

Both a wage guarantee and compensation are included in a farm labor contract established by the Puerto Rican Department of Labor. There are only 200 Puerto Rican contract workers on Long Island, but the program has taken hold and proven a long-term success in New Jersey, where there are about 7,000 such workers. The Jersey program includes a clean, modern reception center for migrants at Glassboro, N.J., that features a 21-bed hospital. The camp is operated by the 1,400-member Glassboro Service Association, a farmers' cooperative.

The value of the program was succinctly explained this summer by a worker in a New Jersey asparagus field. Juan Camacho, who sends money home regularly to his wife and four children, said the contract was better than coming to the United States on his own because it was "mass seguro," it offered more security. His employer, Mickleton, N.J., farmer J. Ellison Haines said that the Glassboro setup could be a guide "for anything in the way of laws."

The Puerto Rican contract also includes free housing and requires the farmer to post a performance bond. The main objection of farmers is that workers frequently do not stay out the length of the contract. However, Puerto Rican authorities feel that this occurs where working conditions are not kept up to par.

On the Federal level, a start has already been made toward meeting the needs of the migrants. The Senate, in addition to passing a law regulating crew leaders last week, has also approved aid for communities seriously affected by the seasonal impact of migrants, and grants for family health service clinics. Additional bills now under study would set up a national advisory council to the President on migratory labor problems and would prohibit children under 14 from working as migrant laborers.

In the House, other proposals introduced would establish the all-important 75-cent-an-hour minimum wage for migrants, permit migrants to organize in unions and establish day care centers for migrant children. However, no final congressional action on any of these measures is expected until next year.

Along with Federal laws, there also is action that can be taken on a local level. One such step, according to some observers, would be a Riverhead Town housing code to prevent the spread of year-round slums filled by ex-migrants. "It is a little ridiculous," says Suffolk County Health Department Sanitarian Sid Beckwith, "that we have construction codes for migrant camps in Riverhead, but that all around them people can put up shacks." Another idea about housing was broached by John Murphy, manager of the Cutchogue labor camp. "I know our housing isn't the best," he said. "But the farmers haven't had a good year since 1952. There should be an agency to borrow money from for housing. We could tear down these buildings and build new ones of all-concrete construction."

#### CENTRAL ADMINISTRATION

Another step that might be taken locally would be to centralize the administration of migrant affairs. "There is no single agency involved with all phases of the problem," explained Beckwith.

Then, there is the whole problem of the migrant and the community. Tighter relief residency laws would do a great deal toward preventing ex-migrants from becoming community burdens on Long Island. And an effort should be made to educate migrants both academically and socially. A man who has worked among Long Island migrants and is sympathetic to them feels nevertheless



less that some of them "have got to be taught about electric ranges, bathrooms, toilets, and how to take care of floors."

The community also could aid the migrant through its courts. It is not always easy for a migrant to get anywhere with a justified complaint against an employer. "Sometimes there is a failure by the courts to punish violators and force rapid compliance with codes," said Beckwith. "When the case finally comes up, the migrant has gone home and the case is dismissed." Out of simple humanity, the biggest thing the community can do is to let the migrant know that it is aware of his existence.

Frequently, the migrant worker has little education and little hope. Even if he is not resigned to exploitation, there isn't much he can do on his own behalf. Monserrat said it this way at a congressional hearing: "The very fact that these people must move about to work puts them at a disadvantage. They have no political strength. They can't vote—they can't wait around for a case to come up on a court calendar."

All migrant workers can do is travel along a route of ripening crops. For most of them it is a weary journey, and there are few rewards along the way.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had agreed to the concurrent resolution (S. Con. Res. 47) to print additional copies of report entitled "Freedom of Communications."

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 739) to amend the Civil Service Retirement Act, as amended, with respect to the method of computing interest earnings of special Treasury issues held by the civil service retirement and disability fund.

The message further announced that the House had passed the bill (S. 1186) to facilitate the protection of consumers of articles of merchandise composed in whole or in part of gold or silver from fraudulent misrepresentation concerning the quality thereof, and for other purposes, with amendments, in which it requested the concurrence of the Senate.

The message also further announced that the House had disagreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes.

The message also announced that the House insisted upon its disagreement to the amendments of the Senate to the bill (H.R. 258) to amend the District of Columbia Sales Tax Act to increase the rate of tax imposed on certain gross receipts, to amend the District of Columbia Motor Vehicle Parking Facility Act of 1942 to transfer certain parking fees and other moneys to the highway fund, and for other purposes; asked a

further conference with the Senate on the disagreeing votes of the two Houses thereon, and that Mr. McMILLAN, Mr. BURKE of Kentucky, and Mr. BROYHILL were appointed managers on the part of the House at the further conference.

The message further announced that the House had agreed to the amendments of the Senate to the bill (H.R. 3587) to amend section 612 of title 38, United States Code, to provide outpatient medical and dental treatment for veterans of the Indian wars on the same basis as such treatment is furnished to veterans of the Spanish-American War.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H.R. 4797) for the relief of certain aliens.

The message further announced that the House had disagreed to the amendments of the Senate to the bill (H.R. 7377) to increase the limitation on the number of positions which may be placed in the top grades of the Classification Act of 1949, as amended, and on the number of research and development positions of scientists and engineers for which special rates of pay are authorized, and for other purposes; agreed to the conference asked by the Senate on the disagreeing votes of the two Houses thereon, and that Mr. MURRAY, Mr. JAMES C. DAVIS, Mr. DULSKI, Mr. HENDERSON, Mr. CORBETT, Mr. GROSS, and Mr. JOHANSEN were appointed managers on the part of the House at the conference.

The message also announced that the House had agreed to the amendments of the Senate to the joint resolution (H.J. Res. 542) relating to the admission of certain adopted children.

The message returned to the Senate, in compliance with its request, the bill (H.R. 8558) to amend section 303(a) of title 23, United States Code, relating to the organization of the Bureau of Public Roads, and for other purposes.

#### ENROLLED BILLS AND JOINT RESOLUTIONS

The message further announced that the Speaker pro tempore had affixed his signature to the following enrolled bills and joint resolutions, and they were signed by the Vice President:

S. 1440. An act to amend the act approved July 14, 1960 (74 Stat. 526), relating to the establishment of a register in the Department of Commerce of certain motor vehicle operators' licenses;

S. 2102. An act to redesignate the Jefferson division of the eastern district of Texas as the Marshall division;

S. 2295. An act to amend the act entitled "An act for the organization, improvement, and maintenance of the National Zoological Park," approved April 30, 1890;

H.R. 2181. An act for the relief of Kim Dòm Yong;

H.R. 4357. An act to increase monthly disability and death compensation payable pursuant to the War Hazards Compensation Act;

H.R. 4861. An act to authorize the Secretary of Agriculture to sell and convey certain lands in the State of Iowa;

H.R. 7657. An act to amend chapter 47 (Uniform Code of Military Justice) of title

10, United States Code, to provide a specific statutory authority for prosecution of bad check offenses;

H.R. 7854. An act to modify the project for the Duluth-Superior Harbor, Minn. and Wis., to provide for the abandonment of the 21st Avenue West Channel, and for other purposes;

H.R. 7888. An act to amend the Flood Control Act of 1958 to extend the time within which land in certain reservoir projects in Texas may be reconveyed to the former owners thereof;

H.J. Res. 453. Joint resolution relating to deportation of certain aliens; and

H.J. Res. 459. Joint resolution to provide for the preservation and protection of certain lands in Prince Georges and Charles Counties, Md., and for other purposes.

#### CONDITIONS IN THE CONGO

Mr. DODD. Mr. President, the distinguished Senator from Minnesota [Mr. HUMPHREY] and the distinguished Senator from Idaho [Mr. CHURCH] have over the past 3 days taken the floor to challenge certain of the statements I made and certain of the evaluations I presented in my several speeches on the Congo crisis.

Among other things, they challenged my statement that there was already a dangerous pro-Communist influence in the Leopoldville government and that U.N. policy in the Congo, if it succeeds in destroying President Tshombe, might lead to a complete Communist takeover in that country.

I rise now to accept their challenge and to deal with their purported rectifications.

My colleague, the distinguished Senator from Idaho, said:

It has come to my attention that a translation of an article on the Congo appearing in the Moscow New Times of September 8 was inserted in the RECORD on September 13 as a guide to an explanation of the current developments in the Congo. I am somewhat astonished that we would seek guidance from a second-line Soviet publication which, I am told, is largely designed to purvey propaganda to foreign audiences. In this connection, let me say that this particular article in the Moscow New Times is a reasonably typical example of the deliberately misleading tripe which is spewed out from the Communist bloc on a daily basis. It is literally crammed with distortions and inaccuracies.

In making these remarks, my colleague implied that I had based the whole of my case, or the major part of my case, on an article in the Soviet New Times. This is inaccurate.

I made my first statement on the Congo crisis on Friday, September 8, several days before the Moscow New Times article had come to my attention. In this opening statement I made the charge that the U.N.-fostered coalition in Léopoldville was dangerously weighted on the Communist side and that U.N. policy was driving the Congo in the direction of Communist domination. I supported this charge with certain basic statements of fact that have yet to be challenged. I supported them by inserting into the RECORD articles by Stewart Alsop and Marguerite Higgins and other distinguished American correspondents.



In short, the RECORD will clearly reveal that the charges I have made and the essential facts I have presented in support of these charges, were not based on an article in the Soviet press.

I did introduce into the RECORD on Wednesday, September 13, a translation from the Russian edition of the Moscow New Times, by way of amplifying and further confirming some of the statements that I made. I believed the article I had inserted had much significance and I offered it for the information of the Senators. In the light of developments since September 13, I believe that the article from New Times which I inserted on that date, has even greater significance than I had originally estimated. I again call it to the attention of my colleagues.

One of the first questions that must be answered is whether, according to the available evidence, the non-Communists or the pro-Communists and their henchmen hold the preponderance of power in the coalition government established in Leopoldville.

The very able Senator from Minnesota has made the point that we must not identify a follower of Lumumba or a follower of Gizenga with the Communists, nor must we bandy these terms around loosely. I agree with him. I myself have used these differing terms in describing various personalities in the Congo because I believe it is important to be careful about definitions.

For example, I never described Patrice Lumumba as a Communist, although I feel the Senator from Minnesota implied that I had. In his own evaluation of Lumumba, my distinguished colleague said:

I am quite sure he had Communist sympathies and found his associations with the Communist bloc to his advantage. In order to retain and expand his personal power, he apparently did not mind serving as an instrument for the extension of Communist bloc influence into central Africa.

I accept this evaluation, and I find no comfort in it.

On the other hand, the able Senator from Minnesota, has repeatedly made the point that there was serious danger of a Communist takeover in the Congo, and that only the U.N. had prevented such a takeover. If there is grave danger of a Communist takeover in the Congo, then obviously there must be many Communists in the Congo, and they must have leaders. If my colleague's evaluation of Congo personalities is correct, however, there is not a single Congo politician who can be clearly identified as a Communist. They are all either anticolonialists or followers of Lumumba or followers of Gizenga.

I would ask my colleague to consider the patent contradiction in these positions.

The personality of Antoine Gizenga is of central importance in any evaluation of the current situation in the Congo. My good friend from Minnesota refuses to characterize Gizenga as a Communist because he says there is no proof. He would not go beyond equating Gizenga with Lumumba, who, he had said, "sympathized with communism and did not

mind serving as an instrument for extension of Communist influence into central Africa."

I cannot help wondering whether my colleague is not carrying caution a bit too far in the case of Antoine Gizenga. Absolute proof is difficult to come by. To this day there is no absolute proof that Fidel Castro is a Communist, and there was still less proof before he seized power and in the period immediately after he seized power.

In making evaluations about faraway places, in trying to decide who is our friend and who is our enemy in the world struggle, we have to be guided by certain commonsense rules of evidence. If, in a desire to be fair, we insist on absolute juridical standards rather than these commonsense standards, we will, in virtually every situation, wind up by concluding that there is no proof; and we will, in consequence, fail to take the action that should have been taken.

The failure to apply commonsense rules of evidence has been responsible for a paralysis of policy in a whole series of situations.

Our State Department experts believed that the Chinese Communists were not really Communists but agrarian reformers; so we failed to take the necessary action in China.

At a later date, there were State Department experts who took the stand that there was no proof Fidel Castro was a Communist, and that only one or two of his entourage could be identified with certainty as Communists. Again we failed to take the necessary action.

Today, it would appear, there are other State Department experts who are not prepared to accept the very substantial proofs offered by the British Royal Commission that Cheddi Jagan, of British Guiana, is a Communist. And in this instance, too, our failure to recognize the enemy has led to a paralysis of policy that has played into the hands of this enemy.

Mr. President, I desire as much as anyone in this body to be fair and to avoid premature conclusions. But I do not think I was wrong when, at a very early stage of the game, I said that the Castro movement was Communist dominated and that Fidel Castro himself was probably a Communist.

I do not think I was wrong when, before the recent British elections, I described Cheddi Jagan to my colleagues as a proven Communist. And I do not think I was wrong in nailing the Communist label firmly and without reservation on Antoine Gizenga.

Either there are no Communists in the Congo, or there are some. If there is a single Congolese political leader who qualifies as a Communist, that man without any question is Antoine Gizenga.

When Patrice Lumumba was alive, most Western correspondents and experts who visited the Congo, made evaluations of Lumumba similar to that of my colleague's. In general, they described him as an explosive and dangerously pro-Communist opportunist. Their evaluation of Gizenga, however, was different. Almost without exception they described Gizenga as a much

more sinister and dangerous personality, as someone who was either a Communist or consistently pro-Communist. Indeed, Gizenga is probably the only Congolese political leader who has been persistently described in these terms by Western observers on the spot. As for Congolese anti-Communists, there is not a single one of them who has any doubt about Gizenga.

Fidel Castro and Cheddi Jagan at certain points in their careers both pretended or inferred that they were not Communists. But Antoine Gizenga has never even deigned to deny inferentially the many charges that he is a Communist.

When Colonel Mobutu overthrew the regime of Lumumba, Gizenga, as Vice Premier, fled to Oriental Province, installed himself in the capital city of Stanleyville, and proclaimed himself the legal Government of the Congo.

The world Communist movement supported him in this move politically, diplomatically, militarily, and economically.

They supported his claim to be the legal government. Indeed, with the exception of a sprinkling of leftwing neutralists, the Communist bloc nations were the only ones to establish embassies in Stanleyville. They provided him with economic aid to bolster his economy. They sent in large quantities of military supplies with the assistance of Cairo. They sent in hundreds of technicians and agents disguised as technicians. Day in and day out, the Communist radio in every language upheld Gizenga as the legal Premier and as the true representative of the forces of progress in the Congo. And the Stanleyville radio and press has reciprocated the attention and affection of the Communist bloc.

An African friend said to me recently:

I do not understand you Westerners, if you want more proof than this that Gizenga is a Communist.

I agree with this statement. On the basis of the known record, I stand by the assertion I have already made that Antoine Gizenga is the No. 1 Communist in the Congo. Antoine Gizenga is the man the world Communist movement is backing.

It has been repeatedly reported in the American press that Antoine Gizenga, as a Communist, was one of the many Africans brought to Prague in recent years for cadre training. Indeed, only a few months ago, this charge was repeated in the Saturday Evening Post by Peter Zenkl, former mayor of Prague and leading Czechoslovak anti-Communist. The Senator from Minnesota tells me that according to his own information, Gizenga has spent no more than a month in the Communist bloc, and that only a portion of this time was spent in Prague.

I have rechecked the matter since my colleague spoke and I can state that it is widely believed both by Congolese and by Americans who have been in the Congo that Gizenga has spent more than a few weeks in Prague. There obviously exists a conflict of information.

But I do not think this conflict of information is at all important. The really important thing is what Gizenga stands for, what he has done, what evil



this field every day. But at the same time our research activities are leading us into additional areas—into electronics, special materials, and special fuels. Our future growth can well follow still unforeseen paths. We welcome this challenge.

Finally, gentlemen, I would like to make one more point this morning:

When I started, I said that American industry must be a full working partner of our Government. I feel, and I am sure you will agree, that as industrial citizens we have the same civic obligation as do individual citizens.

But I think we have a further obligation. We must keep ourselves always ready to serve, without notice or warning. As I see it, this means that we must keep our financial muscles strong, our facilities up to date and flexible, and our management highly trained.

We hear a lot now about how small the world has grown. Gentlemen, it has grown small only in terms of time and distance. It has grown tremendously big and complicated in terms of its problems and the way these problems can be solved. If we must have a strong Government to lead us through this difficult period, I think we also must have strong businesses to support that Government, businesses with the ability to carry their share of the national burden. Our businesses must be strong in management, strong in production and research ability, and financially healthy to do the big jobs we will be called upon to do in the years ahead.

We must continually expand and improve our plants and our tools, and give our scientists freedom to explore new areas. By the same token, we must be able to make the best possible products for today's market and sell them at a profit sufficient to permit increased investment in space-age programs and facilities.

If we do this, we will serve not only our stockholders, but our broader national duty as well.

Thank you.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. McCARTHY. Mr. President, according to the agreement, the Senator from New York [Mr. KEATING] will offer a motion relating to disposal of the measure now before us.

Before he does that, I should like to have printed in the RECORD a letter from the Secretary of Agriculture; and at this point I should like to read from the letter. I should like at this time to read the letter. Whereas the Department of Agriculture supported the extension of Public Law 78, the Secretary wrote the chairman of the Agriculture and Forestry Committee under date of June 9, 1961, as follows:

DEPARTMENT OF AGRICULTURE,  
Washington, D.C., June 9, 1961.

HON. ALLEN J. ELLENDER,  
Chairman, Committee on Agriculture and Forestry, U.S. Senate.

DEAR SENATOR ELLENDER: This is in response to your request for the views of this Department with respect to S. 945 providing for the continuation of the Mexican farm labor program.

This Department recommends the passage of this bill.

We believe that this program has served a very important function in providing needed agricultural labor and that its abrupt termination would cause serious disruption in agricultural production. Nevertheless, it is clear that with the present widespread unemployment and underemployment in this country, the use of agricultural workers from other countries instead of domestic workers raises serious problems. However, until ways can be found to meet the need for workers now supplied by Mexican nationals we agree that some extension of this program is necessary.

We believe that extension of this program standing alone, as provided in H.R. 2010, without clarifying amendments of the type incorporated into this bill, would not meet the overall test of maximum contribution to solution of needed adjustments in the farm economy which will incorporate into the agricultural work force the unemployed and underemployed living in low-income farming areas. In addition to those now unemployed a spectacular increase is taking place in the number of young people entering our labor force. By 1965 we will have 40 percent more persons under 20 years of age in our national labor force than we now have; many of these will be farm boys.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN,  
Secretary.

Mr. McCARTHY. Mr. President, I also ask unanimous consent to have printed in the RECORD a number of telegrams from various organizations in support of the amendment which I originally offered, and in opposition, for the most part, to the bill as it is now written and is before us in the conference report.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

CHICAGO, ILL., September 21, 1961.  
Senator EUGENE McCARTHY,  
Senate Office Building, Washington, D.C.:

The Christian family movement is unalterably opposed to the renewal of Public Law 78 unless it contains the reforms which you have recommended and your amendment recently passed by the Senate. We feel that these reforms are essential for justice to both American and Mexican workers. Our Mexican groups strongly oppose the present wage conditions of the bracero program. For better international understanding Public Law 78 should be reformed. We commend your efforts for bettering the conditions of these workers.

Mr. and Mrs. PATRICK CROWLEY,  
National Presidents.

WASHINGTON, September 22, 1961.  
Senator EUGENE McCARTHY,  
U.S. Capitol, Senate Chamber,  
Washington, D.C.:

Appreciate your and others' good fight against conference report Public Law 78 extension. Keep it up.

HOWARD A. DAWSON,  
Executive Secretary, Department of  
Rural Education.

SAN JOSE, CALIF., September 22, 1961.  
Senator EUGENE J. McCARTHY,  
Senate Office Building,  
Washington, D.C.

DEAR SENATOR: On behalf of our membership many of whom are agricultural workers we wish to compliment you in your effort to bring justice to the domestic and foreign agricultural workers throughout our land. We heartily endorse your stand and reiterate

our opposition to extension of Public Law 78 without your amendment. Please keep talking.

Sincerely yours,

ANDREW ESPARZA,  
Community Service Organization of  
Santa Clara County.

NEW YORK, N.Y., September 22, 1961.  
Senator EUGENE McCARTHY,  
Old Senate Office Building,  
Washington, D.C.:

In interest of deprived migrant children urge you stand firm against conference report on Public Law 78.

ELI E. COHEN,  
National Child Labor Committee.

NEW YORK, N.Y., September 22, 1961.  
Senator EUGENE McCARTHY,  
Old Senate Office Building,  
Washington, D.C.:

Strongly urge you continue fight against conference report on H.R. 2010 re Mexican farm labor program because Congress should either adopt the Senate-passed bill for the sake of justice or Public Law 78 should die.

FAY BENNETT,  
Executive Secretary, National Share-  
croppers Fund.

NEW YORK, N.Y., September 22, 1961.  
Senator EUGENE McCARTHY,  
Old Senate Office Building,  
Washington, D.C.:

Urge defeat of legislation extending Mexican farm labor program unless Senate amendments adopted.

THOMSON C. MCGOWAN,  
Chairman, New York State Citizens  
Committee on Farm Labor.

NEW YORK, N.Y., September 22, 1961.  
Senator EUGENE McCARTHY,  
Old Senate Office Building,  
Washington, D.C.:

Strongly support your move to restore the 90 percent of prevailing wage for migratory workers in Public Law 78. Without it the legislation is worthless. We urgently need strong legislative support for these needy people.

RAY GIBBONS,  
Director, Council for Christian Social  
Action, United Church of Christ.

NEW YORK, N.Y., September 22, 1961.  
The Honorable EUGENE J. McCARTHY,  
Old Senate Office Building,  
Washington, D.C.:

Urge you to make every effort to have your standard setting provisions included in any legislation affecting migrant farm workers and to oppose the extension of Public Law 78 unless such standards are included.

Mrs. ARCHIE D. MARVEL,  
President, National Board YWCA.

COVINGTON, KY., September 22, 1961.  
Senator EUGENE McCARTHY,  
Senate Office Building,  
Washington, D.C.:

We support amendment of Public Law 78.  
YOUNG CHRISTIAN WORKERS  
FEDERATION,

GEORGE MINER,  
President.

DENVER, COLO., September 22, 1961.  
Senator EUGENE McCARTHY,  
U.S. Senate Office Building,  
Washington, D.C.:

We appreciate your stand on Public Law 78 and wish to encourage you in your fight for justice.

L. M. LOPEZ,  
Colorado Federation of Latin American  
Groups.



RIVEREDGE, N.J.  
September 22, 1961.

Senator EUGENE MCCARTHY,  
U.S. Senate Office Building,  
Washington, D.C.:

I fully support your filibuster against Public Law 78.

DIOCESAN COUNCIL OF CATHOLIC  
WOMEN, BERGEN PARAMUS DIS-  
TRICT, SOCIAL ACTION,  
Mrs. WALTER SOLTSMANN.

St. Louis, Mo.,  
September 21, 1961.

Hon. EUGENE MCCARTHY,  
U.S. Senate Office Building,  
Washington, D.C.:

In line with longstanding goals to bring America's migrant workers under equal protection and benefit of law and consistent with policy statements of the General Board of the National Council of Churches, the Department of Migrant Work in session at St. Louis strongly supports your stand in regard to Public Law 78.

Rev. SHIRLEY E. GREENE,  
Chairman.

SAN ANTONIO, TEX.,  
September 21, 1961.

Hon. EUGENE MCCARTHY,  
Senate Office Building,  
Washington, D.C.:

It is unthinkable that Public Law 78 should be extended without the McCarthy amendment and other much-needed reforms.

Archbishop LUCEY.

St. Louis, Mo.,  
September 21, 1961.

Senator EUGENE MCCARTHY,  
Care the President of the Senate, the Capitol,  
Washington, D.C.:

The National Migrant Advisory Committee of the National Council of Churches currently meeting in St. Louis, speaking on its own authority, expresses its conviction that your amendment to the bill renewing Public Law 78 should be reinstated.

G. SHUBERT FRYE,  
Vice Chairman.

SILVER SPRING, MD.,  
September 21, 1961.

Senator EUGENE MCCARTHY,  
Senate Office Building,  
Washington, D.C.:

The American Veterans Committee commends your work on behalf of the forgotten people in our affluent society, migrant farmworkers. We believe the Senate should stand firm on its amendments to H.R. 2010. We prefer Public Law 78 be allowed to die rather than accept the House version.

J. ARNOLD FELDMAN,  
Executive Director, American Veterans  
Committee.

WASHINGTON, D.C.,  
September 22, 1961.

Senator EUGENE MCCARTHY,  
U.S. Senator,  
Senate Office Building,  
Washington, D.C.:

We urge you to continue fight against conference report on H.R. 2010. Congress should adopt Senate bill or let Public Law 78 expire.

H. VERA MAYER,  
General Secretary, National Consumers  
League.

WEST LOS ANGELES, CALIF.,  
September 21, 1961.

Senator EUGENE MCCARTHY,  
U.S. Senate,  
Washington, D.C.:

The Association of California Consumers wishes to go on record in strong support of

your position on amendments to Public Law 78. We oppose passage unless these amendments are included.

Mrs. MARY HEINEMANN,  
Executive Secretary.

CHICAGO, ILL., September 21, 1961.

Senator EUGENE MCCARTHY,  
Senate Office Building,  
Washington, D.C.:

Illinois Federation of Mexican-American Organizations representing all of the Mexican-American organizations in the State congratulate you on your fight for decency and justice for American and Mexican agricultural workers. We strongly oppose the renewal of Public Law 78 if it does not contain your wage amendment. This amendment is essential for justice for both American migrants and Mexican braceros.

Member organizations: Circulo Jalisciense Latin American Social Club, Hns.; Our Lady of Guadalupe, South Deering Post 1238, YCW; Our Lady of Guadalupe Club; Juventud Mexicana; Mexican Bowling Association, Ladies South, YCW; Precious Blood, Lulac Council 313; Manuel Perez Post 1017; Holy Name Society, JR-Our Lady of Guadalupe; Back of the Yard Political, YCW; Immaculate Heart Don Bosco Club, Hns.; Immaculate Heart Mexican Community Committee; Mexican Bowling Association, Ladies West; Quince Originals Club Ospreys; Mexican Democratic Organization, Hns.; St. Francis Tenth Ward Independent Mexican Voters; Guadalupe Immaculate Heart Mexican Bowling Association (men); Manuel Perez Post Auxiliary; South Deering Post Auxiliary; Latin American Gulf Club; Associated Members Cordi-Marian Auxiliary; Spanish-Speaking Presto Pride Club; Social Jalis Clense, Young Married Couples Ball and Chain Club; American GI Form, Chicago Chapter; American GI Form, West Side Chapter; Lulac Council 288.

Mr. KEATING. Mr. President, very briefly, I wish to read two paragraphs from a very perceptive editorial which appeared in the New York Times:

The Senate's decision to put safeguards for the wages of domestic farmworkers into its proposed extension of the Mexican farm labor program represents a bow to decency in what has long been an area of national disgrace. Without such safeguards, the annual importation of several hundred thousand Mexican braceros to help harvest rich croplands can only continue to serve as an instrument for depressing the already inadequate wages of American migratory farmworkers.

If, as seems likely, the conferees representing the House refuse to go along with the Senate stipulation that the Mexicans be paid at least 90 percent of the average domestic farm wage, it would be better to let the program die at the end of this year and thus compel reconsideration of the whole law when Congress reconvenes in January.

Following that is a paragraph which perhaps would be unparliamentary, in that it might be considered critical of the other body, and I shall not read it.

I do wish to propound a parliamentary inquiry of the Chair.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The Senator will state his parliamentary inquiry.

Mr. KEATING. It is my intention to move to reconsider the vote by which the Senate declined to table the conference report. If that motion is made and if there is a vote on it, whether a motion to table it, or however the vote comes, if the conference report is still before

the Senate and is not disposed of by the motion, my parliamentary inquiry is whether it will be in order to move to defer the consideration of the conference report until January.

The PRESIDING OFFICER. A motion to postpone to a day certain would be in order.

Mr. KEATING. A further parliamentary inquiry, Mr. President.

The PRESIDING OFFICER. The Senator will state it.

Mr. KEATING. Would such a motion be debatable?

The PRESIDING OFFICER. Such a motion would be debatable.

Mr. KEATING. I thank the Chair. I now move to reconsider the vote by which the Senate declined to table the conference report.

Mr. JORDAN. Mr. President, I move to table the motion, and I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina [Mr. JORDAN] to lay on the table the motion of the Senator from New York [Mr. KEATING] to reconsider the vote by which the Senate declined to lay on the table the conference report. The yeas and nays have been ordered, and the clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. MCCARTHY. Mr. President, is a parliamentary inquiry in order? What is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the motion to lay on the table the motion to reconsider the vote by which the motion to lay on the table the conference report was rejected.

Mr. MCCARTHY. Would it be correct to say that those who generally favor my position and would like to see the Senate adjourn early should vote "nay"?

Mr. KUCHEL. The regular order, Mr. President. That is a highly inflammatory statement. [Laughter.]

The PRESIDING OFFICER. The regular order is demanded.

The rollcall was concluded.

Mr. BOGGS. Mr. President, I have a live pair with the Senator from Illinois.

Mr. KUCHEL. Order, Mr. President. The PRESIDING OFFICER. The Senate will be in order.

Mr. BOGGS. I have a live pair with the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting he would vote "nay." If I were at liberty to vote I would vote "yea." I withhold my vote.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Colorado [Mr. CARROLL], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Wyoming [Mr. MCGEE], the Senator from Utah [Mr. MOSS], the Senator from Maine



[Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], the Senator from Massachusetts [Mr. SMITH], and the Senator from Alabama [Mr. SPARKMAN] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Colorado [Mr. CARROLL], the Senator from Michigan [Mr. HART], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] would each vote "nay."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Indiana [Mr. HARTKE]. If present and voting, the Senator from Idaho would vote "yea," and the Senator from Indiana would vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Wyoming [Mr. HICKEY]. If present and voting, the Senator from Nevada would vote "yea," and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Wyoming [Mr. MCGEE]. If present and voting, the Senator from Mississippi would vote "yea," and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Alabama [Mr. SPARKMAN] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Alabama would vote "yea," and the Senator from Alaska would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] is absent by leave of the Senate to attend the Commonwealth Parliamentary Conference in London.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPP] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Iowa [Mr. MILLER] and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The Senator from Kansas [Mr. CARLSON] is detained on official business.

The leave of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Iowa [Mr. MILLER], and the Senator from Kansas [Mr. SCHOEPP] would each vote "yea."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from Indiana would vote "yea," and the Senator from Maryland would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Connecticut [Mr. BUSH]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Connecticut would vote "nay."

The result was announced—yeas 38, nays 33, as follows:

#### [No. 216]

(NOTE.—Rollcall No. 216, found on page 19412 of the RECORD of September 21, 1961, will be renumbered "215".

Quorum call No. 215 found on page 19204 of September 20, 1961, will be renumbered "Exec. No. 1".

#### YEAS—38

Aiken	Fulbright	Mundt
Anderson	Goldwater	Robertson
Bennett	Hayden	Russell
Bible	Hickenlooper	Saltonstall
Byrd, Va.	Hill	Smathers
Case, S. Dak.	Holland	Smith, Maine
Cooper	Hruska	Stennis
Cotton	Johnston	Talmadge
Curtis	Jordan	Thurmond
Dworshak	Kerr	Wiley
Ellender	Kuchel	Williams, Del.
Engle	Long, La.	Yarborough
Ervin	McClellan	

#### NAYS—33

Bartlett	Kefauver	Pastore
Byrd, W. Va.	Lausche	Pell
Case, N.J.	Long, Mo.	Prouty
Dodd	Long, Hawaii	Proxmire
Douglas	Magnuson	Randolph
Fong	Mansfield	Scott
Gore	McCarthy	Symington
Humphrey	McNamara	Tower
Jackson	Metcalfe	Williams, N.J.
Javits	Monroney	Young, N. Dak.
Keating	Morse	Young, Ohio

#### NOT VOTING—29

Allott	Carroll	McGee
Beall	Chavez	Miller
Boggs	Church	Morton
Bridges	Clark	Moss
Burdick	Dirksen	Muskie
Bush	Eastland	Neuberger
Butler	Gruening	Schoeppel
Cannon	Hart	Smith, Mass.
Capehart	Hartke	Sparkman
Carlson	Hickey	

So the motion to lay on the table the motion to reconsider the vote by which the motion to lay on the table, the conference report was rejected was agreed to.

Mr. DOUGLAS. Mr. President, it should be noted that on the vote yesterday and on the vote today there were a large number of absentees. Yesterday 26 Senators did not vote and 74 voted. While I did not hear distinctly the result of the vote today, as I understood it, there were 38 yeas and 34 nays.

The PRESIDING OFFICER. Thirty-three nays.

Mr. DOUGLAS. Or a total of 71 Senators voting, which indicates 29 absentees.

I have not had time to check the list of absentees as of today, but I have checked the list of absentees of yesterday. I am convinced that a very large proportion—perhaps the majority—of

the absentees would have voted for the McCarthy amendment and with the Senator from Minnesota. Therefore, it is my belief that if there is a discussion in depth on this subject, a great number of absent Senators will return in order to make their positions clear on this issue.

I am well aware of the fact that two of our distinguished members, the Senator from New Mexico [Mr. CHAVEZ] and the Senator from New Hampshire [Mr. BRIDGES], are ill, in the hospital, and cannot be expected to attend.

At least 27 absent Senators who are deeply interested in the issue would, if proper notice were given, come hurrying back to the Chamber from the places to which they have gone.

Some of those Senators are in Africa. Some are in Europe. Some have gone home. But all, I am sure, are responsive to the call of duty; and if the discussion proceeds for some time, and we have a clear delineation of the issues in depth, I am convinced that absent Senators will return, and that the decision which has been made in the two previous votes will be reversed and the McCarthy amendment will once again be upheld.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I yield for a question.

Mr. ERVIN. I ask my good friend from Illinois if he can explain the distinction between a debate in depth and a filibuster.

Mr. DOUGLAS. The filibuster is prolonged discussion or other delaying tactics intended to prevent a vote. When I speak of discussion in depth I speak of a discussion which is not intended to prevent a vote, but one intended to elucidate the issues in great detail so that the Senate and the Nation may be better informed, and so that the final vote will be more intelligent and more in the public interest. We want to bring the absentees home so that the real opinion of the Senate may be registered.

Mr. ERVIN. I thank the Senator for his lucid explanation, which means that there is a difference without a distinction.

Mr. KEATING. Mr. President, will the Senator yield to me on that point?

Mr. DOUGLAS. I am glad to yield to the Senator from New York for a question with the understanding that I do not lose my right to the floor.

Mr. KEATING. I ask my distinguished friend from Illinois if it is not a fact that under the proposed amendment to rule XXII that he and I supported, there would have been 15 days of debate before debate could be cut off. I wish to ask him further whether it is his intention, or the intention of any Senators identified with the report, to engage in as much as 15 days of debate on the measure.

Mr. DOUGLAS. I think it is highly improbable. We will observe a restraint which we would not impose on our southern friends. They say they need more than 2 weeks to discuss civil rights. They therefore cannot



properly object if we take less than 2 weeks to try to improve the condition of Negro and Mexican-American farm laborers.

Mr. KEATING. I agree with the Senator.

Mr. ERVIN. Mr. President, will the Senator yield for a question?

Mr. DOUGLAS. I am always delighted to yield to my good friend from North Carolina, who is the soul of geniality and the embodiment of wit. But I remind him that he is delaying the discussion in depth.

Mr. ERVIN. I was about to ask my good friend from Illinois if, in determining whether a proceeding is a debate in depth or a filibuster, it would be safe to lay aside the technical distinctions and merely observe the conduct of the junior Senator from New York [Mr. KEATING]; and if I could rest assured that no matter how long the discussion might last, if the junior Senator from New York were participating in such discussion, it would not be a filibuster.

Mr. DOUGLAS. The Senator has asked a highly hypothetical question. But I say to my good friend from North Carolina that, though this is not a filibuster, if it were to be a filibuster, it would have been modeled upon the practice of experts who might have taught some people from the North, unaccustomed to such procedures, the full intricacies of the method. But I wish to make clear that it is not a filibuster. It is a discussion in depth.

Mr. ERVIN. The Senator makes plain, as I understand, that even though it is a discussion in depth, it is modeled after the conduct of those who are forthright enough to admit that they are engaged in a filibuster when they are filibustering.

Mr. DOUGLAS. I have never heard my friends from the South admit that they were engaged in a filibuster. It has always been disguised as an attempt to discuss the issues.

In the last few years there have been no speeches which included a reading of the pages of the telephone book or a recitation of the recipe for potlicker, as was the case in years past. But the discussion by our southern friends has gone on for weeks and weeks. Our intentions are far more moderate and restrained.

I am sure that in their hearts the Senators from south of the Mason-Dixon line do not oppose the practice of discussion in depth, which is much more moderate than the methods which they have customarily used.

Mr. ERVIN. I thank my good friend for his geniality, and assure him that since I have learned that what we are engaged in is not a filibuster, I will not participate in it further.

Mr. DOUGLAS. If I may be permitted to reply to my good friend from North Carolina without losing my right to the floor, the withdrawal of the Senator from North Carolina from the discussion in depth on the pending question is a great deprivation to the Senate and the country, because he always introduces the sparkle of wit and good humor into any discussion.

Earlier in the morning, when there were not many Senators on the floor,

the Senator from Wisconsin [Mr. PROXMIRE] made some very interesting points about the procedure under which this bill went to conference. I wish to preface my remarks by saying that I am not making the slightest reflection upon the character or behavior of any member of the conference committee. I know all of these gentlemen and have the highest opinion of them. They are not only distinguished in the senatorial use of that word, but distinguished in fact, and uniformly very fine gentlemen and men whom we properly honor and for whom we have a great deal of respect.

Mr. GORE. Mr. President, I make the point of order that the Senate is not in order.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey in the chair). The Senate will be in order.

Mr. GORE. Mr. President, I make the further point of order that the Senate is not in order.

The PRESIDING OFFICER. Senators will take their seats. The Senate will be in order.

Mr. DOUGLAS. Mr. President, the workings of the conference committee in this matter illustrate a very great defect in our present conference procedure. As I understand, four Democratic Senators and three Republican Senators were appointed to the conference. The roll call on the McCarthy amendment, when it was approved by a majority of the Senate showed that six of these Senators voted against the McCarthy amendment, and only one, the very eminent and beloved Senator from Vermont [Mr. AIKEN], voted for the McCarthy amendment. The McCarthy amendment was the chief point in difference between the House and the Senate. So we sent to conference a conference committee six-sevenths of whom had voted against and were therefore opposed to the McCarthy amendment, which a majority of the Senate had supported.

This has happened several times in recent years in connection with other bills. While none of us has questioned the fact that the representatives of the Senate defended the position of the Senate when they get to conference, still I believe it is true that they could not be expected ardently to defend a proposal in which they did not believe. It would be a superhuman act were they to do so.

While these gentlemen are eminent, lovable, distinguished, and able, I believe they would not claim they were superhuman. If anyone does claim that they are superhuman, I will be very glad to admit that they are. Until that claim is advanced, I do not think we should admit that fact.

In general, the conference committee was made up on the basis of seniority. That was followed in the case of three members. In the present instance the top three men on the senior list on the Democrats were made members, but then the distinguished Senator from Wisconsin [Mr. PROXMIRE] was passed over, although he was senior to the eminent Senator from North Carolina. I had thought that the principle of comity for which this body is known would, as a matter of courtesy, have carried with it

the designation of the author of the McCarthy amendment, namely, the junior Senator from Minnesota himself. This was not done.

So the four Democratic Senators were men who had opposed the McCarthy amendment. Incidentally, I believe in accordance with the composition of the Committee on Agriculture and Forestry, the Democrats were entitled to 5 members, not 4 members.

I believe the present instance illustrates the necessity for making the rules of the Senate explicit on this point; namely, that where a majority of the Senate expresses itself through a vote in favor of a proposal, the majority should be given strong representation, to say the least, upon the conference committee itself. This is not an isolated instance. It occurred in the past on another amendment the Senator from Minnesota had sponsored, namely, the proposal to abolish the so-called 4-percent dividend credit. This motion had been carried in the Senate twice, but it was given up in the conference committee by a conference committee composed on the Senate side almost exclusively of members who opposed the 4-percent dividend credit.

The Senator from Louisiana [Mr. LONG] has also suffered in the past from the practice of selecting conferees who are opposed to an amendment which was in dispute between the House and the Senate. I believe on two occasions—although I may be mistaken—amendments which the junior Senator from Louisiana had sponsored and which carried through the Senate by very large majorities, went to a conference in which the Senate members were opposed to the Long amendment, and in which by some strange coincidence the Long amendment was sacrificed.

Lest my words be misunderstood, and lest it be thought that I am leveling uncalled for criticism on senatorial members of the conference, let me say once again that I am making no personal reflection upon these gentlemen. I am merely criticizing the practice which has grown up in the Senate and which was carried out in the present instance.

I believe we should either have an explicit change of the rules to govern this situation, or else reach a gentleman's agreement that in the selection of conference committees Senators in favor of amendments adopted on the floor should have adequate and full representation on the conference committee itself.

Mr. President, I turn now from procedure to substance. We are dealing here with the conditions of probably the most exploited group in American society. I am very glad that the general condition of American labor and the American people, including the farmers, has improved so much during the last 25 years. I think we all remember the second inaugural address of President Franklin D. Roosevelt, in which he said that a third of the Nation was ill clothed, ill housed, and ill fed. Those words of the President were challenged at the time; but statistics on income as compared to the cost of living indicated that those words were an understatement rather than an exaggeration. I worked



at the time on the figures of income and living costs; and after spending much time trying to work out the relationship between the two, I came to the conclusion that approximately three-eighths of the population were then close to primary poverty and were, in fact, ill fed, ill clothed, and ill housed—not one-third; not 33 percent; but somewhere around 37 or 38 percent.

Since then, fortunately, there has been a big improvement in the condition of the American people, caused by many factors, including an increase in productivity, but also to some degree caused by the social legislation passed by the Democratic Party over the opposition of other groups. I think it is probably safe to say today that the percentage of people in primary poverty, both as wage earners and as farmers, is somewhere between 20 and 25 percent, probably about 22 percent and that there has been, therefore, a very marked improvement in the condition of the American people. This has not only helped the people but it has also put the Nation in a healthier condition. Incidentally, it has helped business, because business cannot flourish if it sells to impoverished people who do not have the money or the purchasing power with which to buy.

But while we congratulate ourselves on the progress which has been made, we should at the same time be aware of the weaknesses which exist. Our greatest labor weakness is in the field of migratory labor. I am very happy, as I utter these words, to look to the chair of the Presiding Officer and see the distinguished junior Senator from New Jersey [Mr. WILLIAMS] presiding, because, in my judgment, he has done more than any other Member of this body to call to the attention of the Senate and the country the plight of the migratory workers. I pay all tribute and all honor to him for the magnificent part which he has played.

The migratory workers are the low men, women, and children on the social and economic totem pole. Their wages are low; their employment is scanty; they move about from place to place. They live in miserable housing; their children lack education; the disease rate is high; they live on the outskirts of towns, where they are treated more or less as social pariahs. The migratory labor force consists primarily of those of Latin stock and Negro blood. So they are almost the economic and social outcasts of the Nation. Because of their mobility, because they move about like quicksilver, because they do not have political influence, and many do not have the vote, and because some are foreigners, it has been hard to enact legislation which would deal with their difficulties adequately. There is responsibility, therefore, for us to try to protect this group who cannot protect themselves.

We did pass some minor legislation at the instance of the Senator from New Jersey. I think that was a very healthy beginning. However, I feel certain the Senator from New Jersey would corroborate me, as his recent votes indicate, that this was merely the beginning; that what we need to do is, in some fashion,

to try to improve the wage levels of those people and raise their economic, as well as their social conditions.

We all saw the documentary film "Harvest of Shame," which the Columbia Broadcasting System produced. I think it was a great public service. That documentary has been criticized by various Members of the Senate, including the distinguished senior Senator from Florida [Mr. HOLLAND]. It may well be that in certain individual instances the portrayal was inaccurate, but the main content of the film was, in my judgment, correct. It called attention to the terrible dimensions of the problem, gave some vivid case examples, and pricked, as it should have pricked, the conscience of the Nation.

I think that we in the Senate should not be impervious to this issue. The large votes which the McCarthy amendment received—a majority on original passage, and in the last votes 33 or 34 Members of a diminished total Senate—indicate that many of our consciences have been pricked.

I myself have some acquaintance with this problem, because in trips which I have taken over the country, I have tried to get off the main highways and to see at least some of the labor camps which house the migratory workers. I have visited labor camps in Florida, and I have visited labor camps in States farther north such as on the so-called Delmarva Peninsula. In my own State, frankly, I have seen some housing for migrants which was up to standard. So this is not a sectional difficulty; it is a nationwide difficulty.

I pay tribute to the improvement which the State of Florida has recently made. Especially, I pay tribute to former Gov. Leroy Collins, of Florida, who was extremely conscientious in this matter of effecting real improvements in the labor camps of his State when he was the Governor.

However, much remains to be done, and the McCarthy amendment would help us to do it. The facts are simply these: There are about a million migratory workers, together with their families and appendages. I suppose that at least 2 million people belong to this most depressed class. The migratory workers are divided into approximately equal proportions—native migratory workers and imported migratory workers, roughly, I suppose, about a half million of each. Of the half million imported migratory workers, 315,000 or 325,000 come from Mexico; the rest come from the islands of the Caribbean.

Mr. President, it stands to reason that if half a million migratory workers are brought in from outside the country, this will depress the wages of the half million migratory workers who are inside the country. If there is anything which is clear in the so-called principle of demand and supply, it is this: Increase the supply, all other things being equal, and the price per unit drops. If there is twice as much sugar as usual, the price per pound will be reduced.

The supply of migratory labor in this country has been doubled by the importation of migratory farmworkers, of

whom the Mexican workers under Public Law 78 form the most important group. Certainly such importations affect adversely the wages of the migratory workers already in the United States.

#### LEAVE OF ABSENCE

Mr. AIKEN. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I am glad to yield, if I may do so with the understanding that I shall not lose my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. AIKEN. I shall help the Senator from Illinois get it back, if he loses it.

Mr. President, I ask unanimous consent to be absent from the Senate tomorrow and Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DOUGLAS. Mr. President, I know the Senator from Vermont has a good reason for wanting to be absent.

Mr. AIKEN. Absolutely.

Mr. DOUGLAS. But I wish to say that the deliberations of the Senate will suffer from his absence; and I hope he will come back to the Senate for the final vote on this matter.

Mr. AIKEN. At the end of next week?

Mr. DOUGLAS. I hope he will be back in time for the final vote.

Mr. AIKEN. I certainly hope I shall be missed tomorrow. But I shall be back for the final vote—by the end of next week? I can be back on Tuesday.

Mr. DOUGLAS. Well, I think we can be ready at the end of next week or before. [Laughter.]

Mr. McCLELLAN. Mr. President, will the Senator from Illinois yield?

Mr. DOUGLAS. I yield for a question.

Mr. McCLELLAN. The Senator does not mean adjournment at that time, but for the taking of a vote on this measure?

Mr. DOUGLAS. Yes.

Mr. McCLELLAN. Yes—for I thought the adjournment would come later. [Laughter.]

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. DOUGLAS. Mr. President, there is abundant statistical evidence to bear out the general point I have been making; namely, that the introduction of Mexican agricultural labor has operated to decrease the wages of American migratory farm labor.

I shall now quote statistics from page 42 of the pamphlet entitled "The Hired Farm Working Force of 1959," published by the Economic Research Service of the U.S. Department of Agriculture. It shows the average wage per day in 1952, 1954, 1956, 1957, and 1959. I wish to



read those figures, first for men workers, and then for men and women workers, combined. I think these figures will make my point abundantly clear.

In 1952, before Public Law 78 was in operation, the average wage earned per day by male migratory workers in the United States was \$7.35; in 1954, \$6.65; in 1956, \$8.50; in 1957, \$7; and in 1959, \$6.10—or \$1.25 less than 7 years earlier, in 1952.

For male migratory workers and female migratory workers, when those

wages are combined, there was a decrease from \$6.90 to \$6.

Mr. President, there was a decrease of well over 15 percent in the money wages of male migratory workers during that 7-year period, one in which wages as a whole were markedly rising.

I ask unanimous consent that the table from which I have been quoting be printed at this point in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

*Average days worked and wages earned at farm and nonfarm wage work by workers who did 25 days or more of farm wage work, by migratory status and sex of worker, United States, selected years, 1952-59*

Year, migratory status and sex	Farm and nonfarm			Farm			Nonfarm		
	Days worked	Wages earned		Days worked	Wages earned		Days worked	Wages earned	
		Per year	Per day <sup>1</sup> worked		Per year	Per day <sup>1</sup> worked		Per year	Per day <sup>1</sup> worked
1952:									
Migratory.....	124	\$884	\$7.15	87	\$600	\$6.90	37	\$284	\$7.75
Male.....	144	1,101	7.60	99	731	7.35	45	370	8.15
Female.....	65	259	4.00	53	222	4.20	12	37	3.10
Nonmigratory.....	169	911	5.40	140	698	5.00	29	213	7.40
Male.....	195	1,074	5.50	161	815	5.05	34	259	7.70
Female.....	68	265	3.90	58	234	4.00	10	31	3.20
1954:									
Migratory.....	156	1,033	6.60	124	794	6.40	32	239	7.35
Male.....	166	1,160	6.95	135	899	6.65	31	261	8.30
Female.....	117	565	4.80	81	410	5.05	36	155	4.25
Nonmigratory.....	169	972	5.75	145	800	5.50	24	172	7.05
Male.....	187	1,119	5.95	161	919	5.70	26	200	7.60
Female.....	91	344	3.75	75	287	3.80	16	57	3.45
1956:									
Migratory.....	143	1,178	8.25	116	935	8.05	27	243	9.15
Male.....	157	1,369	8.70	126	1,069	8.50	31	300	9.55
Female.....	91	500	5.55	81	458	5.70	10	42	4.35
Nonmigratory.....	162	958	5.90	140	776	5.55	22	182	8.10
Male.....	189	1,188	6.30	163	958	5.90	26	230	8.95
Female.....	86	295	3.40	73	254	3.45	13	41	3.25
1957:									
Migratory.....	131	859	6.55	115	745	6.45	16	114	7.25
Male.....	148	1,045	7.05	129	900	7.00	19	145	7.55
Female.....	80	304	3.80	75	280	3.75	5	24	4.45
Nonmigratory.....	147	898	6.15	127	737	5.80	20	161	8.05
Male.....	168	1,095	6.50	145	895	6.15	23	200	8.70
Female.....	78	270	3.50	67	233	3.45	11	37	3.55
1959:									
Migratory.....	143	911	6.40	119	710	6.00	24	201	8.40
Male.....	156	1,025	6.60	128	782	6.10	28	243	8.70
Female.....	88	447	5.05	81	418	5.15	7	29	4.05
Nonmigratory.....	165	1,063	6.45	142	852	6.00	23	211	9.10
Male.....	188	1,278	6.80	162	1,019	6.30	26	259	9.95
Female.....	85	314	3.70	72	271	3.75	13	43	3.25

<sup>1</sup> Rounded to the nearest 5 cents. Farm wage earnings are cash only and do not include the value of perquisites received by many farmworkers.

Mr. DOUGLAS. Mr. President, this table in conjunction with figures I shall introduce shows the real increase which has occurred in general wages has been accompanied by a decrease for migratory farm labor. Thus the average weekly earnings in all manufacturing increased from \$67.97 in 1952 to \$89.47 in 1959. This was an increase in money wages of \$21.50 a week or slightly over 30 percent. But the earnings of migratory labor fell by over 15 percent. The only inference one can draw is that migratory farm labor has been exposed to competition to which other groups of labor were not exposed. Of course that competition is the importation, either under Public Law 78 or under special agreements, of close to half a million agricultural workers from outside the United States.

Some may ask about the change from 1959 to 1960. It is true that during that 1-year period there was an increase in the average daily earnings of migratory labor. That increase was approximately 2 percent. So it is said that perhaps the

migratory workers' wages do not depress the wages of the domestic workers, because migratory farm labor wages improved slightly between 1959 and 1960—even though such workers had taken a tremendous beating, in terms of their wages, during the preceding 7 years.

However, a careful analysis of the figures shows that the increase was due almost entirely to certain specific causes which occurred in certain parts of Texas, and that this increase probably was due to a Bureau of Employment Security ruling in regard to the prevailing wage, which did not put as much pressure upon domestic workers, as regards unemployment insurance benefits as before, and thereby exerted pressure to increase the wage in that area.

Furthermore, in California during that period there was a drive to unionize the workers on the large ranches in California, which in the main operate under the old Roman system of latifundia and which carry over the old Spanish and Mexican procedure of having large

estates, together with the huge railway grants which were given to a limited group, for the construction of railroads through that part of the country. This is also a weak spot in our economy. We have touched on it several times in connection with the distribution of water—the question of whether the reclamation law of 1902 should be applied.

In sections of California and in sections of Texas and the Southwest in general there is the exact opposite of what I regard as the American agricultural system of small farms with independent ownership and operation. Instead, there are huge estates and huge ranches on which the work is done by a relatively depressed population, living almost in the position of peons, and accumulating income for those who own the land. In 1959-60 an attempt was made to unionize those workers. Of course, that is very difficult, inasmuch as the local forces of law and order are usually in the hands of the owners of the large ranches. And that effort was unsuccessful.

Finally the AFL-CIO withdrew its attempts, but in the meantime the organizing campaign had been carried out, and in order to head it off, wages had been increased and improved by the big farmers. Those two factors accounted for the increase in the pay of migratory workers for the Nation as a whole, together with possibly similar circumstances existing in other regions.

But if we isolate the regions where the Mexicans were brought in, certain sections of Texas, the eastern region of Arkansas, sections in Arizona and Colorado, we find there that the wages of migratory farmworkers decreased from 1959 to 1960.

It may be said that these wage figures are not good. I wish to remind those who say this that the figures were prepared by the Department of Agriculture in the previous administration. They were prepared under the direction of the then Secretary of Agriculture, Mr. Ezra Taft Benson. Mr. Benson was a very estimable gentleman in his private and public life, but he was a confirmed and, in fact, bitter, opponent of what has become known as the McCarthy amendment. He represented the growers and planters, but not the agricultural workers.

If the Department of Agriculture, under the direction of Ezra Taft Benson, gave these figures, which clearly illustrate the depressing influence which the introduction of foreign migratory labor has upon domestic wages, that is a pretty clear indication, I think, that this is precisely what did occur.

So I wish to say that bringing in the half-million agricultural workers from abroad does depress the wages of American workers. Because these American workers are of Mexican descent or of Negro blood does not do away with the fact that they are Americans. The 14th amendment to the Constitution provided that inhabitants of a given State who were naturalized were citizens both of the particular State and of the United States. There were to be no first-class citizens or second-class citizens—all were



to be citizens alike. That has been the principle for which many of us have been contending in the Halls of Congress and in the Nation as a whole for a good many years. The fact that these unfortunate workers are known as "latinos" of Mexican descent and Negroes—does not do away with the fact that they are the most exploited, underpaid, overworked, maltreated group in the entire population. They are also the group which lacks, more than any other group, defenders, because they live isolated from the communities in which they work and because they do not have the vote. Therefore, they lack political defenders and sponsors, although I am happy to see men taking up the cudgels for them, some men who have absolutely nothing to gain from doing so.

Both Senators from New Jersey, who have rallied to the defense of the migratory workers, come from a State which uses a large number of migratory workers in the vegetable fields of their State, particularly in South Jersey. They have absolutely nothing to gain by defending migratory workers, and yet they have done so. I call attention to the fact that the behavior of these Senators is beyond praise for what they have done and are doing.

Mr. President, we have been hearing a great deal about the need of protecting American industry from the importation of foreign products. Moves have been made to restrict the importation of textiles, of lead and zinc, of a whole variety of products, because, it is said, they create unemployment in this country, decrease profits, or reduce wages. But here is an importation of labor which directly depresses wages and working conditions and creates unemployment among Americans who are here. This is direct. It does not affect merely a few thousand workers, as in the lead and zinc industry, but hundreds of thousands of workers. But their appeal seems to fall on deaf ears. Many—I think perhaps a large majority—of those who voted against the protection of both domestic labor and imported labor by opposing the McCarthy amendment are nevertheless zealous advocates of either a tariff system or a quota system to protect American industry indirectly. It makes a great deal of difference, Mr. President, whose ox is gored.

Congress has been relatively deaf to the abuses practiced upon native migratory unskilled farm labor. The McCarthy amendment attempts to make a beginning in improving the economic conditions of those migratory workers. It is only a beginning. It provides that, if migratory workers are imported, they shall receive 90 percent of the going wage for native farmworkers, either in the country as a whole or in the local area, whichever is lower. The aim is really to provide an equality of wages. Providing 90 percent instead of 100 percent is designed to compensate for the fact that under Public Law 78 certain fringe benefits are granted to the migratory workers who come here from abroad which are not granted to the native migratory workers. They consist of transportation in and out of the country, social security, and certain other provisions. So the

McCarthy amendment is intended to provide that foreign workers can come into this country, but if they do so they shall be paid approximately the same wage as the same unskilled domestic farm laborers. What is wrong with that? It is an attempt to prevent the coming in of huge masses of migratory workers to depress wages of migratory workers still further. There is a great deal of unemployment and underemployment amongst the native migratory workers.

It is intended to provide a greater volume of employment for native migrants, and thus to build up their annual income by increasing volume as well as by having some effect upon wage rates.

Mr. President, the McCarthy amendment is not only a thoroughly humanitarian proposal, but it is also a very sound economic measure.

The charge has been made that this will mean the Government will fix a minimum wage. The eminent Senator from Wisconsin dealt with that issue in his remarks earlier today. It would not do so.

Public Law 78, if one wishes to cavil at that point, does do so, because it fixes a minimum of 50 cents an hour, which is totally inadequate.

The McCarthy amendment would not require the Government to fix a minimum wage, but would merely require that the Government find out what is the prevailing wage for unskilled farm labor. The Government does so now by means of statistics, the accuracy of which has never been questioned. These figures are published in the publications of the Department of Agriculture and also in the publications of the Department of Labor.

Mr. McCARTHY. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the distinguished author of the amendment, who has borne the major burden of the struggle both in the committee and on the floor, whom we all hold in the greatest of esteem and affection.

Mr. McCARTHY. I thank the Senator. I commend the Senator for making this all-important point once again.

The argument made against my amendment from the beginning has been a misleading argument, since it has been charged on the floor and in the back rooms that we were seeking to embark on a new program to fix wages for farmworkers. The fact is that this principle has been established in the program from the beginning. The Secretary of Labor has a responsibility to determine the prevailing wage for the same kind of work. When that is done, the Secretary requires growers who use Mexican nationals to pay the prevailing wage. What we propose in the amendment is not a different procedure. The only difference relates to the base, to determine what the wage shall be. We propose it shall be 90 percent of the average wage for the farmworkers in a State or in the Nation, whichever is lower. It is a modest proposal. I think it should be agreed to.

Mr. DOUGLAS. So do I. It was agreed to by the Senate but lost in the conference.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. Is it not true that it would be impossible for the Senate to fix farm wages by modifying the Mexican labor statute, in view of the fact that the statute provides for the wages paid to the braceros who, under the law, are to get 50 cents an hour?

Mr. DOUGLAS. At the least.

Mr. PROXMIRE. The McCarthy amendment applied to the Mexican workers, whose wage is fixed and would have been fixed by treaty anyway, and did not apply to domestic agricultural workers in this country.

Mr. DOUGLAS. I think that is true, but we should also very frankly state that by reducing the competition against American labor we hope to generate natural forces which would increase the wages of American labor.

Mr. PROXMIRE. Yes.

Mr. DOUGLAS. We would have this done through the play of supply and demand, with a smaller quantity of labor in the market and consequently a higher wage, with the employers bidding against each other for the hiring of the smaller quantity.

What we would do is to depend upon the competitive system of the free market, but would have the free market freed, if I may say so, of the importation of large numbers of people who will work at substandard wages.

Mr. PROXMIRE. Is it not true that from the very beginning of this Republic there has been an influence on wages through tariff regulations, which no one has argued is against the American system and no one has opposed as an interference in principle with the working of supply and demand, although it has an effect indirectly?

That action was taken in the 18th century, a far cry from the 20th century action with respect to establishing minimum wages which, as I understand, were established in 1938, some 150 years after tariffs were very common in American life.

The point I make is that there is nothing in the McCarthy proposal—nothing any of us have asked for or urged—which would fix a minimum wage for American farmworkers. I am conscious that in my State—and I am sure the Senator from Illinois is very conscious that in his State—the farmers disapprove of fixing minimum wages for domestic citizens who work for them on their farms.

What we seek to deal with is a situation fixed by treaty. We seek to provide a somewhat different standard. By doing so, as the Senator from Illinois properly indicates, we would indirectly benefit American migratory workers, which is the whole purpose of the statute, as I understand it.

Mr. DOUGLAS. It is the purported purpose of the statute, which has worked very imperfectly.

I wish to comment on the point mentioned by the Senator from Wisconsin; namely, that the protective tariff has been justified in the past on the ground that frequently it was necessary to provide high wages for American workers.



I once went into that subject quite thoroughly. I found that in general the industries which had highly protective tariffs had low wages. The textile industry in this country in the past was one of the great tariff-protected industries, and had extremely low wages. In general, the industries which fabricate fibers are low-wage industries. The argument that one must have a protective tariff to give high wages to the employees who work in the industry is not borne out historically.

The McCarthy amendment is however a direct attempt to protect American workers. I emphasize again that we propose to do it in as indirect a way as possible without involving the Government in direct wage fixing.

Frankly, this is why so many groups oppose the proposed legislation. They think it will result in increased wages and increased labor costs.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield.

Mr. PROXMIRE. The Senator from Illinois has very properly been concerned over the fact that the conferees gave away the McCarthy amendment, for which the majority of Senators voted.

The Senator from Wisconsin considered this amendment absolutely minimal.

Mr. DOUGLAS. That is so because of the difficulty of finding similar work.

Mr. PROXMIRE. Exactly.

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I am glad to yield to the Senator from North Carolina.

Mr. JORDAN. If the Senator will read the provisions for wage rates, he will see it is exactly the same for domestic as for Mexican workers. They are both protected. The report would strengthen the law rather than weaken it.

Mr. PROXMIRE. But what the conference did is very clear. I read from page 3 of the statement of the managers on the part of the House:

(1) elimination of the subsection providing minimum wage rates other than those already provided for in the act and in the agreement with Mexico.

In other words, no minimum is provided.

Mr. JORDAN. I suggest that the Senator read the act and the agreement with Mexico and he will find that the prevailing wage shall be paid, and the Secretary of Labor shall not certify a single Mexican until it has been proven to his satisfaction that the employer cannot secure other labor. He would have complete control over the labor program.

Mr. DOUGLAS. May I say to my good friend from North Carolina, whom we all like very much, that I think in effect the conference report would permit American workers to work at the low wages for which the Mexican worked rather than to provide that the Mexican should work for the higher wages of American labor.

Mr. JORDAN. The Senator is incorrect. If the Senator will look at the table, he will see that in the States in which Mexican workers are employed, the wage scale is the highest wage scale

in the United States for agricultural workers.

Mr. DOUGLAS. I believe that what the Senator has said is true in the case of California. But I think California is an exception. It is not true in Arkansas, the Southern States in general, or the sections in Texas in which large numbers of migratory labor are used. And Texas is the biggest user of migratory Mexican workers.

Mr. JORDAN. It depends on who gets up the figures.

Mr. DOUGLAS. I have been quoting the figures of the Department of Agriculture.

Mr. JORDAN. I think the Senator could find that some employers pay as little as 20 cents an hour.

Mr. DOUGLAS. I would say that if there were bias and prejudice—and I do not say that there was—in the Department of Agriculture, under the previous administration, it would be on the side of the growers and not on the side of the migratory workers. I think that point is fully established. The Department of Agriculture published the figures that I have been quoting, and I believe we can have some degree of confidence in them. They did not come from the Department of Labor although the Department is scrupulous in the statistics which it publishes.

Mr. JORDAN. Mr. President, will the Senator yield so that I may add one other point?

Mr. DOUGLAS. I yield.

Mr. JORDAN. California uses next to the largest number of Mexican workers of any State in the United States.

Mr. DOUGLAS. That is true.

Mr. JORDAN. California has the highest wage scale in the United States.

Mr. DOUGLAS. That is true.

Mr. JORDAN. There are some areas in which Canadians are used, and I believe Bahamans are used in Florida.

Mr. DOUGLAS. The Senator is correct.

Mr. JORDAN. We cannot pick out areas in which Mexicans are involved in the program.

As I have said previously in the Senate a number of times, we do not use any such workers in North Carolina.

Mr. DOUGLAS. I have never charged that the Senator from North Carolina was influenced by selfish motives. I am very glad to make a disavowal of that fact now. I believe that the Senator from North Carolina is wrong, but he certainly is honest.

Mr. JORDAN. I am merely trying to carry out the wishes of the conference committee, as embodied in the report. The responsibility came to me.

Mr. DOUGLAS. The Senator is correct.

Mr. JORDAN. I would hate to see the farm program wrecked by the act being allowed to die. I believe it would do a great injustice to the people of the United States.

Mr. DOUGLAS. The act will not die if the committee will go back to conference determined to fight for the McCarthy amendment. If we display equal vigor to that of the conferees on the part of the House, the program will not die.

Mr. JORDAN. We would have no bill at all this year.

Mr. DOUGLAS. Why not?

Mr. JORDAN. The House will not consider the measure any longer. They have already passed the measure twice.

Mr. DOUGLAS. What the Senator has said brings us to another very interesting point. I believe in the two bodies of Congress being coequal. I believe the House is equal to the Senate. I have never, personally or publicly, assumed any superiority over the House. Though there are 100 Members of the Senate as compared with 437 Members of the House of Representatives, we are equal bodies. But I submit that the House of Representatives should not assume that when they take a position, the Senate must invariably yield. That position, which the House has frequently taken, means that they are saying, "The House must be supreme."

Mr. JORDAN. Mr. President, will the Senator yield?

Mr. DOUGLAS. I yield.

Mr. JORDAN. As the Senator knows, the House passed an extension of the present law, Public Law 78, originally. That is correct, is it not?

Mr. DOUGLAS. Yes. Incidentally, there was quite a large vote against the measure. I believe that 178 Representatives opposed the measure and wanted the McCarthy amendment.

Mr. JORDAN. But it passed.

Mr. DOUGLAS. It passed with a strong dissent. In the House there are humanitarians as there are in the Senate.

Mr. JORDAN. I cannot discuss that feature because I have nothing to do with the voting in the House. But the bill came over to us from the House.

Mr. DOUGLAS. Does that mean we should surrender?

Mr. JORDAN. It means only that both House must pass a bill before we have a law.

Mr. DOUGLAS. Yes. I am confident that if the Senator from North Carolina, with his vigor, energy, and the solid backbone for which he is noted, goes back and says to the House conferees, "I am sorry, gentlemen. The Senate insist on the McCarthy amendment," we will be able to get together.

Mr. PROXMIRE. Mr. President, will the Senator yield on that point?

Mr. DOUGLAS. I am glad to yield to the Senator from Wisconsin for a question.

Mr. PROXMIRE. I ask the Senator from Illinois whether it is not true that here is a situation in which the Senate is particularly reinforced in insisting on its position and not giving in to that kind of ultimatum?

Mr. DOUGLAS. The Senator is correct.

Mr. PROXMIRE. If there is no bill this year, as the Secretary of Labor has pointed out, it is clear from an objective analysis that no great harm will be done, because, first, when will these workers not be available? In January and February, when there is a surplus of agricultural labor. It would be only over a period of 10 or 20 days before Congress can act.



Secondly, as the Senator from Vermont [Mr. Aiken] indicated earlier, we have a history and a precedent of large producers recruiting workers in Mexico. They can do so under the law. It is well established that they can do so. So the injury to anyone involved in laying the bill over to next-January would be extremely limited under those circumstances. And for that reason the Senate could stand fast, remain tough, and say to the House, "We recognize your ultimatum, and we insist on getting a good bill, a humane bill, or no bill."

Mr. DOUGLAS. I have great respect for the House of Representatives. My wife served a term in the House before I came to the Senate. In fact, I got elected to the Senate on a case of mistaken identity. The voters thought they were voting for my wife; and then, to their pain, they discovered they were voting for me. So I have very much of a soft spot for the House.

Incidentally, my wife has said that a Senator can condense into an hour what a Member of the House can say in 5 minutes. I am not, however, carrying out that principle this afternoon. But I wish to emphasize again my great respect for this coequal body. But that statement does not mean that we should accept dictation at their hands.

I may point out in connection with agricultural matters that we have all too often been confronted with a loaded pistol and told, "Take the House version or you will have no bill at all."

In connection with the sugar bill, in the summer of 1960 the Committee on Agriculture of the House came in with a bill at the conclusion of the session and told the Senate, "You take it or there will be no bill."

That bill, in fact, gave large bonuses to foreign countries which previously had not produced sugar, but which received the Cuban quota which was then being redistributed. That amounted to a present—I think at a yearly rate of about \$140 million a year—to a small group of sugar producers in other countries. It was to last for 6 months. Then the act came up again last March, and on the eve of the expiration of the act, once again the House Committee on Agriculture came in and continued the same practice.

We remember that the Senate Committee on Finance proposed instead that the bonus of 2 cents a pound above the world price, which was being paid, should go into the Federal Treasury, and that such action would mean an increase in Federal revenues of about \$140 million a year.

The Senate was about ready to adopt the amendment, in spite of the way in which the lobbyists flew up here from Latin America, arriving in so many airplanes that the heavens were almost darkened by the wings of the planes. In spite of that, the Senate was about ready to accept the proposal—and I take some credit, if I may be forgiven, for advancing the proposal—when we were told that if we acted in that way "the House will never agree to the proposal, and the

6 months' extension will expire and we will be in chaos."

A decent self-respect should therefore cause us to carry out a policy which is at once humane and economical and which reasserts the dignity of this body.

On Tuesday of this week we heard the eloquent speech of the Senator from Georgia [Mr. Russell] on the dignity of the Senate, who said the Senate was a great deliberative body and deserved to be respected by its Members and by the world at large and by the House of Representatives as well.

I believe in that, too. I believe in thorough discussion, but I believe in our commanding the respect of other bodies. We do not command respect by yielding every time there is a conflict of wills.

I believe that we should send the conference committee back to meet with the House. If some of them do not desire to serve, perhaps they might be replaced with Members of the Senate who believe in the McCarthy amendment. If some of them cannot conscientiously serve, we may have a conference committee more representative of the opinion of the Senate.

I know that this is September 22, and it has been a long session. We have been in session nearly 10 months. It is in these last days that frequently decisions are made which are ultimately disastrous, and special interest groups depend upon the fatigue of Senators and Representatives and their desire to get away, to get measures adopted which do not stand up in the light of time.

The Senator from Illinois would like to get away too. There are many things he would like to do, among them going back to his beloved State. However, legislation comes first. If necessary, the Senator from Illinois is ready to stay here until Christmas to get a proper bill enacted in the field of migratory labor, and to get proper tax bills enacted or improper bills defeated.

I said I did not wish to engaged in a filibuster. I wish to discuss this issue in depth. Therefore I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. Gore in the chair). The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### AUTHORIZATION TO THE COMMITTEE ON SMALL BUSINESS TO FILE REPORTS.

During the delivery of Mr. DOUGLAS' speech:

Mr. SPARKMAN. Mr. President, will the Senator yield so that I may make a unanimous-consent request, with the understanding that it will not jeopardize his right to the floor?

Mr. DOUGLAS. I am delighted to yield to the Senator from Alabama, who was our candidate for Vice President in

1952, who not only has a brilliant political past, but also a brilliant political present and future, and whom we all hold in the highest esteem.

Mr. SPARKMAN. Mr. President, I ask unanimous consent that the Select Committee on Small Business be authorized, during the adjournment of the 1st session of the 87th Congress, to file with the Secretary of the Senate the following two reports: "Small Business Administration, 1961," and "The Role of Competition in a Space Communication System," and that both reports be printed.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

#### ABOLITION OF FEDERAL FARM MORTGAGE CORPORATION

The PRESIDING OFFICER laid before the Senate the amendment of the House of Representatives to the bill (S. 1040) to abolish the Federal Farm Mortgage Corporation, and for other purposes, which was, on page 4, line 5, strike out "(12 U.S.C. 722)" and insert "(12 U.S.C. 772)".

Mr. HOLLAND. Mr. President, I wish to say for the information of the Senate that the House amendment merely corrects a typographical error in citing the number of the United States Code section that is referred to. The amendment should be concurred in. I move that the Senate concur in the House amendment.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Florida.

The motion was agreed to.

#### EXTENSION OF PROVISION FOR MINIMUM WHEAT ACREAGE ALLOTMENT IN TULELAKE AREA OF CALIFORNIA

Mr. KUCHEL. Mr. President, I ask that the chair lay before the Senate the amendment of the House of Representatives to S. 1107.

The PRESIDING OFFICER (Mr. Gore in the chair) laid before the Senate the amendment of the House of Representatives to the bill (S. 1107) to provide a 2-year extension of the existing provision for a minimum wheat acreage allotment in the Tulalake area of California, which was, on page 2, line 1, after "1962" insert "or 1963".

Mr. KUCHEL. Mr. President, I ask the concurrence of the Senate in the amendment of the House. I have the approval of the distinguished Senator from Louisiana [Mr. Ellender], chairman of the Committee on Agriculture and Forestry, and the ranking members of the committee on the minority side of the aisle.

The amendment, which affects the growing of Durum wheat in the Tulalake area of California, provides that the exception which the Senate wrote into the bill shall apply in the year 1963 as well as the year 1962. On that basis, I move that the Senate concur in the amendment of the House.

The motion was agreed to.



# MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. KEATING. Mr. President, in the light of the debate which has taken place, it seems to me that it would be unwise to give further consideration to the conference report at a time when Congress is moving toward adjournment. A few moments ago, I read in the New York Times an editorial which suggested that it would be wise to defer consideration of the conference report until January, unless it contains the substance of the amendment offered by the distinguished Senator from Minnesota [Mr. McCARTHY].

Therefore, in a moment or two I shall move that the Senate defer consideration of the conference report until Friday, January 26, 1962; but before making that motion, I wish to address a parliamentary inquiry to the Chair.

The PRESIDING OFFICER. The Senator from New York will state it.

Mr. KEATING. If the motion to defer consideration of the conference report to Friday, January 26, 1962, should not succeed, would it then be in order to move to defer its consideration until Thursday, January 25, 1962?

The PRESIDING OFFICER. The failure of the first proposed motion would have no bearing upon the second motion, assuming that the second motion were materially different from the first.

Mr. MANSFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Montana will state it.

Mr. MANSFIELD. Did I correctly understand the Senator from New York to state that he is considering a motion to have the Senate pass upon the consideration of the conference report on January 15, or, if that motion should fail, on January 24, 1962?

The PRESIDING OFFICER. The Senator from New York propounded a parliamentary inquiry. The Chair is unable to determine the course of action which the Senator from New York had in mind.

Mr. KEATING. I shall be glad to enlighten the majority leader. I am about to move to defer consideration of the conference report until Friday, January 26. I shall state my reasons briefly. I made a parliamentary inquiry as to whether, if that motion failed, it would be in order to move to defer the consideration of the conference report until Thursday, January 25, or to some other date in January. The Chair informed the junior Senator from New York that the second motion would be in order if it were materially different from the first one.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. MANSFIELD. The Senator from New York advances a very interesting proposal; but it seems to me that what he is suggesting is, in effect, two possibilities which could cover the same subject within the period of a week. I would not for the world say that the Senator was employing dilatory tactics.

Mr. KEATING. No; I understand that.

Mr. MANSFIELD. I realize that speaking in depth entails taking some time. However, I plead with the Senator from New York, not in view of the fact that some Senators have looked forward to adjournment this coming Saturday, or possibly on Sunday morning; but because this subject has been discussed on two occasions, there have been numerous votes on particular amendments, and there was a ye-and-nay vote on the passage of the bill. I am sure, in my own mind at least, that no Senator will change his opinion at this late date.

If Senators wish to make motions, I think they should do so, because that is their right; but I hope the motions will be considered expeditiously and that the conference report will be voted up or down.

I am on the side of the Senator from New York, the Senator from Wisconsin [Mr. PROXMIRE], the Senator from Minnesota [Mr. McCARTHY], and the Senator from Illinois [Mr. DOUGLAS]. However, I think we ought to face the situation, vote the conference report up or down, and quit wasting the time of the Senate.

Mr. KEATING. I am sympathetic to the views of the majority leader, who has a responsibility to the Senate. I think I can state why a deferral of the question until January would not injure anyone.

Mr. MANSFIELD. Not merely January, but twice in January within a week's time, as I understand.

Mr. KEATING. I wish to make it clear to the distinguished majority leader that what I posed was a parliamentary inquiry.

Mr. MANSFIELD. The Senator from New York does not pose parliamentary inquiries unless he has something in the back of his mind. I have known him a long time in both Chambers of Congress. That is another warning sign.

Mr. KEATING. The Senator from Montana is quite correct. The parliamentary inquiry is not necessarily intended to indicate the intentions of the Senator from New York, and I know nothing about the intentions of Senators who may be allied with me on this issue. At the moment, I am on the verge of moving to defer the consideration of the conference report until January. The reason why such action would not in any way injure the program is that it is my understanding that the months of January and February represent the period when farmers generally contract for the Mexican labor. Mexican labor is not employed—at least, in any great numbers—during the months of January and February. By January, the Senate would be able to have digested the problems involved in the controversy

and, in my judgment, would be better able to reach a conclusion.

Mr. KUCHEL. Mr. President, will the Senator from New York yield?

Mr. KEATING. I yield.

Mr. KUCHEL. I suggest to the able Senator from New York that the parliamentary inquiry he has just propounded reminds me that perhaps his statement could be described most accurately as an announcement of low-yield nuclear parliamentary testing.

Mr. KEATING. I appreciate the Senator's comment. I propounded the parliamentary inquiry in order to clear the atmosphere, so as to make abundantly certain in the minds of those with whom I am allied in this effort, as well as in my own mind, what the parliamentary situation is.

It is my sincere hope that Senators will feel that this subject is not of such urgency that consideration of it may not be postponed at this time. The conference report will still be before the Senate when we reconvene. There is no reason why the Senate cannot adopt it on January 26; or if that date in any way interferes with any other plans of the leadership, I should be very happy to select some other date more in accordance with the wishes of the leadership. Nevertheless, I believe that no harm would be done by postponing consideration of the conference report. To do so would permit the Senate to get on with its other urgent business.

Therefore, I move to defer the consideration of the conference report until Friday, January 26, 1962.

Mr. JORDAN. Mr. President, I move that that motion be laid on the table.

Mr. HOLLAND. Mr. President, before the Senator from North Carolina makes the motion, will he yield to me?

Mr. JORDAN. I yield.

Mr. HOLLAND. First, I should like to say to the Senator from New York that what he suggests would be of no hardship to the farmers of his own State or to the farmers of the State represented in part by me; but it would represent a real hardship to those in the citrus industries of California, Arizona, and Texas, all of whom will be picking and handling their fruit at that particular time of the year—in January—when this measure would not be applicable. It would be a particular hardship on the winter producers of vegetables and other small crops, many of whom in the States I have mentioned need stoop laborers.

So I do not believe that the Senator from New York realizes that he is offering to visit such a handicap, such an inconvenience, and perhaps such a great loss upon good people in other parts of the Union who would be so adversely affected by putting off this decision until late January, as he has proposed.

So I hope he will withdraw his motion, because it so obviously would be of great disservice to a great many persons who should not be so mistreated.

Mr. KEATING. Let me ask the Senator whether I have been incorrectly informed that in January and February the contracting arrangements for Mexican labor are made.



Mr. HOLLAND. The Senator from New York has been correctly advised if he thinks that is what affects the question we are talking about. This act expires on December 31; and it will fail to operate thereafter unless the measure now before us is enacted into law. This labor is so necessary and so traditional in the great areas of the Nation I have mentioned that the damage inflicted would be so great that I feel sure the Senator from New York would not wish to insist upon making the motion. My own State is not in the area which would be thus affected. Similar crops are grown in Florida, but Mexican laborers do not happen to be used in connection with them.

Mr. KEATING. I realize the present law will expire on December 31. But under this motion, unless I incorrectly analyze it, there would be only a brief interim period—if the conference report were approved on the 26th—when contractual arrangements could not be made; but there would still be the entire month of February when such contractual arrangements could be made, if it were then decided to extend the existing law.

Mr. HOLLAND. If I am correctly advised access to this particular pool of labor would then cease on December 31, and thus a great disservice would be visited upon literally thousands of people who have their funds invested in crops which would be ready to be gathered at that time.

Mr. JORDAN. Mr. President, I may also point out to the distinguished Senator from Florida that every one of these Mexican laborers would then have to be returned to Mexico—on December 31; and thereafter they would have to be rehired, and a new contract with the Mexican Government might have to be made; and all that might require weeks or months. In addition, there would be the expense of moving the Mexican laborers back to the United States at a later date. According to the information I have received, they are contracted for weeks and weeks ahead of time.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER (Mr. GORE in the chair). Does the Senator from Florida yield to the Senator from Georgia?

Mr. HOLLAND. I yield.

Mr. RUSSELL. I thank the Senator from Florida.

Mr. President, this measure does not materially affect the State which I am honored to represent in part here. I have voted for a measure of this sort in years past because it has been rather important to those who live in other States and who have become accustomed to depending upon this source of labor.

But I do not rise at this time to address myself to the merits of the issue involved. I regret that our distinguished majority leader has left the floor. I have a great and an abiding affection for the distinguished Senator from Montana [Mr. MANSFIELD]; but I was somewhat surprised at his rebuke of the fearless foes of the filibuster who are carrying on a filibuster against this

measure. It was out of keeping with his character—even though he did it in a very gentle fashion—for him to be so critical of those who proclaim from the housetops that the filibuster is the bane of the life of the Senate, although they have been engaged here for the better part of 2 days in carrying on dilatory tactics and a filibuster against the pending conference report.

Mr. KEATING. Mr. President, at this time I withdraw my motion.

SEVERAL SENATORS. Vote! Vote!

Mr. PROXMIRE. Mr. President, will the Senator from Florida yield to me?

Mr. HOLLAND. I yield.

Mr. PROXMIRE. First, I wish to say to the Senator from Georgia that, so long as the Senate rules are as they are and so long as Senators are allowed to speak their minds fully and completely, it seems to me it would be ridiculous for any Senator—regardless of whether he comes from Wisconsin, from Georgia, or from Florida—to adopt rules of his own and to state that he would not speak at length, but to take the position that if other Senators wish to speak at length, that is their business. It seems to me that the rules apply to all Senators. So I see nothing inconsistent in the desire of Senators to wish to change the rules, on the one hand, but, so long as the rules are not changed, to abide by the rules and to speak at length in trying to inform other Senators and in trying to change the viewpoint of other Senators and in trying to have their view prevail.

Mr. HOLLAND. Mr. President, I wish to say to the Senator from Wisconsin that my position has not been to chide him for debating; but my position has been to chide him for taking a position which would result in such great losses to citizens in parts of the country which have a right to look to the Senator from Wisconsin, as well as to other Members of the Senate, for protection. I have tried to give the Senator an understanding of the disaster which his proposal would visit on innocent people.

Mr. PROXMIRE. In reply on that very point, I say to the Senator from Florida that we have gone into great detail in discussing the impact of a postponement until January. It is a fact that there are laws under which producers can recruit laborers in Mexico. They did it for years under that arrangement, before this treaty was signed; and they can do it again.

The Secretary of Labor himself said:

These various considerations suggest that damage to the farm economy or to individual farmers, if enactment of a Public Law 78 extension were deferred to next year, would be negligible.

And he considered in considerable detail what effect it would have in Texas and in other States which employ many Mexican laborers.

Mr. HOLLAND. In reply, I should like to state that, in the first place, the Secretary of Labor does not happen to know his subject; he does not know that the Republic of Mexico had declined to operate further under the old law, and that the present law was enacted because of that position by the Republic of

Mexico. Nor does he know—because of lack of prior experience—the great abuses of Mexican labor which occurred under the “wetback” system which prevailed in certain parts of the United States when there was no efficient machinery with which to handle the recruiting of such labor and the use of such labor in the United States after it was recruited. Under those circumstances, great numbers of Mexicans illegally came across the 1,700- or 1,800-mile border between the two countries, and were then imposed upon because they were illegally in the United States, and were paid mere pittance.

But the law was designed to create a better situation; and it has done so, and it has been lived under by the Republic of Mexico, which was one of the agencies which strongly insisted upon the enactment of this law.

Mr. RUSSELL. Mr. President, will the Senator from Florida yield?

Mr. HOLLAND. I yield.

Mr. RUSSELL. Mr. President, I regret that I did not have an opportunity to speak immediately after the Senator referred to me by name. But I was not twitting him for filibustering. I was saying he is a most accomplished filibusterer; I was undertaking to commend the Senator's skill as a filibusterer.

Of course, the Senator has used more time on the floor, this year, than have a number of those of us who are charged with filibustering any time we speak more than 30 minutes on certain subjects. So it has been difficult for me to understand why so many of those who put on the white armor and claim they are against free debate on the floor of the Senate, and that they are in favor of gag rule, speak at such length here on the floor. It leads me to conclude that they are trying to create an excuse for gagging Senators who do not carry on such long debate, but who might have some reason for expressing themselves on the floor. I insist that that is not a consistent position to take.

A check of the time that has been consumed on the floor of the Senate this year will undoubtedly show that the 10 or 12 Senators who claim most vociferously that they are against filibusters have utilized more time than all 43 Senators who voted against applying the gag rule this week. I make that assertion without fear of contradiction. If one measures the remarks that have been made in this Chamber, he will see that the 10 or 12 leading “white knights” who are against filibusters have used more time in this session in speaking on the floor of the Senate than all 43 Senators who this week voted against gagging the Senate.

Mr. HOLLAND. I appreciate the fine and timely comment of the Senator from Georgia. I think we understand that the Senator from Georgia intended to compliment the Senator from Wisconsin for his skill in speaking.

Mr. RUSSELL. I only wish he were more consistent and would do so some time when there was a more meritorious issue before the Senate.



The PRESIDING OFFICER. The question is on agreeing to the conference report.

Mr. JAVITS. Mr. President, I have not been heard upon this particular question. Hence I think it is proper to take a few moments to state my views, especially since I think I qualify on all the grounds which have been laid out. I am a member of the Committee on Labor and Public Welfare, and therefore am concerned not only with labor problems, but also with the question of migrant laborers. On my side of the aisle I have been most active with the Senator from New Jersey [Mr. WILLIAMS] in connection with problems of migrant labor. Happily, legislation was enacted in this session of Congress dealing with those problems.

Also, I represent a great State, with many people and almost every interest one can conceive of that comes before the Senate. So I am compelled to deal with many of those interests. Also, I am strongly opposed to rule XXII as now written, and believe it very seriously inhibits the role which should be played by Congress in this modern day.

Finally, I often find myself bewitched and deeply absorbed by the strange things which go on here, including the fact that for the past 2 days we have been engaged in a hot debate in which it has been demonstrated that only one Member of the Senate can prevent a committee from considering a measure which affects the greatest city in the Nation, which action can greatly embarrass the United States and that city.

Yet 1 Senator out of 100 prevents a committee from holding a meeting to consider the question, so that it may be brought before the Senate for action, the measure having passed the other body of Congress.

The rules of the Senate are strange and wonderful. We believe in them all. All of us try to live within them, and to state views and take actions which we believe will be conducive to the welfare of our Nation, within the limitations of such rules.

If things were going as well from my point of view as they are from the point of view of Senators who find it unnecessary to talk very much, I do not think I would talk very much, either; but I find it necessary, on many occasions, not to be content with respect to many things in which I devotedly and ardently believe, because very often I find it difficult to get things done that I think my constituents want done and which I think are most conducive to the well-being of our Nation.

I do not think anyone can regard the Mexican labor question without some concern about what we are doing in this country in respect of the problem. The American people have always found a little distasteful the mass transportation of labor under agreements to move such laborers from overseas, or any such move of people en masse, and with some deep feeling about whether moving people in that manner from one economic area to another is the humane way to proceed.

As a boy from the lower East Side of New York, I am aware of the feeling one gets from this kind of operation. There is a street in New York called the Bowery, otherwise known as Skid Row. When I was a boy, I lived and was reared one block from the Bowery. When I was a boy, there were employment agencies on Skid Row that employed railroad labor. I do not think I have ever quite gotten over the feeling of seeing, very early in the morning—5 or 6 o'clock—men of all sizes, shape, and condition, dressed in the most disreputable clothes, herded aboard a truck with the tailgate locked, and carted off somewhere, as if they were subhumans, to do some kind of work.

The connotations for the dignity of our country and the dignity of labor which reside in such an operation are very disconcerting to me, and I am sure to many other Americans. It seems to me, therefore, that the mass transportation and utilization of workers which is contemplated by the law to which this conference report would apply must be justified on the grounds of great national interest and economic interests which are undeniable, in order to be justified at all in our minds.

Time and again I have heard the word "wetbacks" used. It seems to me that the situation is gradually developing away from an even more uncomfortable and unhappy status to us, in terms of our well-being as a Nation, the wetback stage. It has been the subject of some kind of regulation. It seems to me that the regulation should be somewhat strengthened and firmed up so as to conform somewhat with conditions under which American labor should be expected to work.

I supported with great conviction the amendment of the Senator from Minnesota because I thought an effort was being made to tighten up this program as it developed, and not merely to accept year after year an extension of the law, without trying to make some measurable improvement in a situation which, in my judgment, cried out for improvement, especially as it dealt with the general effect upon the entire American labor picture.

It seems to me that it is the essence of the position of persons like myself in supporting the amendment of the Senator from Minnesota [Mr. McCARTHY], in view of the rather strong position taken by the Senate in that regard, to stand up and show a little fight, when this amendment is threatened with being swept out of the Chamber merely because the conferees have not agreed.

Somehow or other—and I had occasion to raise this point the other day as to the foreign aid bill—the conferees on the other side of the Capitol seemed to have the firmness and willingness to stay here until the snow flies, whereas our conferees seem compelled to yield and come back another day.

This is true notwithstanding the fact that we take, as we often do, and as we have in this case, a sharply distinguished position from that of the other body, for

very good reasons, in my opinion, in this case.

If the action in which we are engaged in respect to the conference report does nothing else, it will at least make clear that we are very much dissatisfied with the situation which results in a battle for a particular thesis in the Senate; in our winning in the Senate, albeit by a very narrow margin, as it was in this case; in the amendment being taken to conference by our conferees; and, almost as quickly as one can wink abandoned.

We have seen many sad examples in respect to amendments for which men have fought and bled and died—amendments which suddenly went down the hatch and disappeared as soon as the conferees were outside the door.

I think the Senate has a good deal at stake in this debate. I think anyone who hears the debate would underestimate its import if he did not realize how, at the end of the session, all these thoughts and ideas well up within us and we finally select one measure on which to make some effort to assert ourselves and to assert what we think we were sent here to do. I think this is one such measure.

I wish to state some of the reasons why the case has not been made to sweep away the additional protections which were given to American workers—and I emphasize that—by the McCarthy amendment. There is a rather interesting unanimity of view in respect to this type of legislation, as between former Secretary of Labor James Mitchell, who was a Republican, and the present Secretary of Labor, Arthur Goldberg, a Democrat. Both of them questioned the effect of the proposed legislation on the economic position of farmers who do not use foreign labor. The effect has been questioned by many other farm leaders.

There has also been an expression of intent on the part of the administration that the law should be amended to protect U.S. farmworkers from unfair competition from Mexican labor.

This should be very instructive to us, and at the very least it should give us pause to know that there is such bipartisan agreement as to the effects of a bill of this character.

In view of the fact that a measure of this character has a tendency to depress the status, wages, hours, prospects, and conditions of farmworkers generally, I think it is extremely important that we should have a look at how farmworkers are faring and at the great floating population of farmworkers in this country, the so-called migratory workers with whom the Senator from New Jersey [Mr. WILLIAMS] and I have tried to deal in proposed legislation.

It has been truly said that American farmworkers are the most underprivileged group in the Nation's labor force. According to the Department of Agriculture, underemployment of rural people is estimated at the equivalent of 1.4 million fully unemployed workers. The average earnings of agricultural workers are barely over \$1,000 a year, income from all sources, farm and nonfarm.

In addition to their other troubles, farmers are excluded from minimum



wage, unemployment insurance, and most workmen's compensation legislation. In addition, they are excluded from legislation which protects the rights of workers to organize into unions and to bargain with their employers.

While I am on that subject, I think it should be said that some of the most violent and trying labor disputes, strikes, and picketing situations which have occurred have occurred in respect to the farmworkers. We have found traditionally that when a situation is repressive, when a situation disadvantages a particular economic group in the community, when an effort is made to redress the grievances, it is likely to express itself in the greatest violence. There a reaction almost in proportion to the extent to which there has been injustice and repression. It seems to me that that fact is a confirmation of the grave difficulties in the social sense which are encountered by farmworkers.

Added to this, we know that every year some 400,000 American farmworkers who, together with their families, number 1 million souls or more, are forced to migrate to avoid either low wages or unemployment at home. While on the road, their lives are very often characterized by inadequate employment, low wages, poor housing, lack of education, and lack of health and welfare services. In some cases, they even suffer from transportation in highly unsafe vehicles.

The Congress is not inclined to pass laws for no particular reason. It is necessary to make a firm and important showing of facts before any law is enacted, especially a law which appropriates money. It seems to me this is a very pertinent consideration in respect to the bills dealing with migrant labor which we passed at this session of Congress. They involved the expenditure of millions of dollars. They extended programs over a period of years.

The enactment of such laws, and the concurrence in their adoption by many Senators who are extremely careful about even the smallest expenditure, seems to me to be confirmation of the fact that it is high time—indeed, the time is long overdue—that these migrant workers had our attention in the national sense and received some help in the elementary matters of education, health, and sanitation, insofar as the Federal Government is concerned.

A bill of this character precisely affects very directly the likelihood that the migrant workers may find their way, somehow or other, to a higher plateau of personal well-being, such as is vouchsafed to most American workers.

It seems to me the presence of the American migrant workers, as well as the condition of the American migrant workers, which we are seeking to remedy by legislation, are confirmation of the fact that, at the very least, a real effort should be made by legislation to establish some parity between them and the Mexican workers. It should not be a parity on the way down, but a parity on the way up. We should be very loath to enact any legislation which would allow the depressing effect of Mexican farmworkers to continue upon the gen-

eral status and general position of the migrant worker.

I speak with some authority with respect to migrant workers, for I am a member of the subcommittee which deals with the problem. I have studied its documents and evidence, and have delved to a considerable extent into the facts and figures. My experience gives me the greatest confirmation in terms of joining those who are so vigorously and devotedly opposing the conference report because it fails to meet the cardinal issue which the McCarthy amendment presented; that is, that it is high time this whole area of workers was somewhat upgraded, because it is having such a depressing effect on those who are so low in the economic scale. That is our experience with regard to migrant workers in the United States. I feel greatly confirmed in the opposition which I have expressed to the conference report.

By way of proof of the depressing effect of Mexican farm labor and its employment upon the situation of the American agricultural worker and particularly upon the situation of the migrant worker, I should like to give some facts.

I should like to give some facts upon that very subject. Interestingly enough, these facts were supplied to a colleague of ours in the other body, Representative COAD. They are found in the RECORD of May 3, 1961. They can be checked, because they are printed. He obtained the facts from the Assistant Secretary of Labor, Mr. Holleman. The facts are as follows:

First, hourly wage rates without room and board, reported by the U.S. Department of Agriculture, rose about 16 percent from 1953 to 1959, but Labor Department surveys show that wages in most areas and activities employing Mexicans remain relatively stable. Fifty percent of the States show no significant change in the rate from earlier to later years within this period. Thirty-two percent show an increase, and 18 percent show a decline. The decline would not be expected to occur in labor shortage situations.

That goes to the issue which is often raised with respect to this type of labor, that it must be obtained because there is a labor shortage, otherwise crops would not be harvested.

The second point is that in 43 percent of the cotton-harvest wage surveys in Mexican-using areas compared within the 1953-59 period, wage rates remained stable, and in 32 percent declines were reported.

Third, a study of the 1960 trends shows that in more than half of the cotton-harvest wage surveys in important Mexican-using areas, wage rates remained the same as in 1959, while over the country wage rates declined. Most Mexican nationals are employed in the cotton harvest.

Fourth, in some sections of Arizona wage rates in the cotton harvest have remained virtually unchanged from 1953 to 1960, and in other areas of the State—that is, Arizona—cotton wage rates have dropped 50 cents a hundredweight, at a

time when wage rates in all of industry have been moving up and when prices have been moving up.

Fifth, in Mississippi County, Ark., wage rates for cotton picking were virtually unchanged from 1953 to 1960, despite the fact that the U.S. Department of Agriculture's hourly rate for the State as a whole rose 28 percent. The particular area—Mississippi County, Ark.—uses 11,000 Mexican workers a year.

Sixth, another example, is Phillips County, Ark. This county had an hourly cotton-chopping rate of 30 cents for domestic workers. Think of it, Mr. President. In June of 1954, although the average rate in 1960 was 37 cents, rates as low as 30 cents were still being paid a year ago. Mexicans are paid contract rates of 50 cents, and the U.S. Department of Agriculture hourly rate for Arkansas was 69 cents in July 1960. We certainly can understand what that kind of wage pattern does to the wage market generally.

Seventh, in Texas and Arkansas widespread declines occurred between 1959 and 1960 in cotton harvest rates, pulling in Texas and picking in Arkansas, the types of occupation described. Typically, the decline was \$1.75 to \$1.50 a hundredweight. Now, Mexicans are paid the contract rate of \$1.55.

Mr. President, again the depressing effect of this kind of static wage in a dynamic situation becomes clear. A notable exception resulted from Department of Labor action under earning policies in the lower Rio Grande Valley, where the picking rate rose from \$2.30 to \$2.50, but this followed a period of several years in which there had been no change in rate until 1959, when, by virtue of the Department of Labor's action, the rate rose from \$2.05 to \$2.30.

Finally, in the Imperial Valley of California, wage rates remain unchanged at 70 cents an hour between 1951 and 1959. Recently the average hourly rate has increased to 90 cents an hour. Nevertheless, this rate is about 35 cents below the average for the State as a whole. The Imperial Valley of California is a Mexican-worker-dominated employment area.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Was not the increase largely caused by the fact that the AFL-CIO started an organizing drive for the agricultural workers of the Imperial Valley and other sections of California, and that to head off this drive, the big farm operators increased the hourly rates?

Mr. JAVITS. I thank my colleague for that contribution to the facts which I have stated, and I am very glad to receive it, as it is most pertinent to explaining the facts and figures.

Again I point out the pattern in different States with different agricultural occupations. Where Mexican farm labor is an element in the wage picture, it results in depressing it and preventing it from keeping pace with general economic advance.

It is very interesting to me that the conferees, who favor the program, have



included in the agreed conference report a restriction upon the use by Mexican farm labor of automatic machinery.

As I see it, the outlook for increased development of automatic machinery is the very thing which has redeemed most of American labor. Let us leave it out of what can be compared with stoop labor in agriculture.

It seems to me that by encouraging this program we perpetuate a situation in which more and more of the same will be required, instead of getting to the day when, by the utilization of the highest form of automation, which is in the American pattern, we may bring into agriculture the same techniques, the same earnings, the same status, in terms of labor, which we are gradually attaining in industry, and very much for the same reason that we have encouraged and pressed the idea of automation.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. DOUGLAS. Is not the prohibition against the use of Mexican labor in using power-operated machinery susceptible of another interpretation; namely, that the prohibition would protect the skilled workers, but that free importation of Mexican labor would hurt the unskilled worker?

Mr. JAVITS. The Senator is quite correct. That is another aspect of the prohibition which is included in the bill. I was trying to trace indications of the kind of planning and the kind of philosophy which animates a certain type of legislation, which often is quite unwitting in terms of the way it is written, and yet is very revealing in terms of its fundamental purpose. I appreciate very much the contribution on that subject from my colleague.

Mr. DOUGLAS. Is it not true that unskilled workers in certain areas are largely Mexican Americans living in the United States, or Negroes, and therefore they are not in as good a position to fight back as are skilled workers, who tend to be Anglo-Saxons and who have political power, compared to the relatively small amount of political power possessed by the unskilled Mexican Americans or Negroes have in areas which import Mexican labor?

Mr. JAVITS. We are dealing with a set of effects, some of which may be more indirect, more implicit, than others. But, generally speaking, I think the opponents of the conference report have successfully traced out a depressant pattern, which is incident to the way in which the Mexican labor predicament operates, and which will be further helped by the way in which the proposed legislation is brought to us. We have an opportunity for some improvement in the position of other American agricultural workers by reason of the way in which the program was amended under the amendment of the Senator from Minnesota.

I conclude with one further thought. It is very interesting to me to note that there is beginning to be a division of opinion, even in States where Mexican farm labor is used.

Mr. President, a rather pronounced difference of view was expressed by a Senator—I shall not name him, since he did not make the statement in a public way—when he said that his State has been split down the middle on this subject. Down the middle, Mr. President. One part of the State was against it, and one part for it.

This is a very revealing observation. It has shown up in the votes that we have taken on the measure in the Senate. It is a very revealing observation because when we begin to have deleterious and adverse and regressive economic effects from a particular kind of law, the first people who are likely to feel its worst effects are those who may have heretofore profited from it. They begin to have some differences of opinion among themselves. It begins to work out badly for some of them at least as to this proposal. So it seems to me that this is again a confirmation of the view that this program needs to be lifted up a very material notch from where it is, and that the amendment of the Senator from Minnesota, which has received no consideration whatever in the conference report, was entitled to far more consideration that it did receive, and that therefore the effort of the proponents of the conference report, including myself, is fully justified on the situation which we face here.

I yield the floor.

#### AMENDMENT OF TITLE 28, UNITED STATES CODE, RELATING TO THE ORGANIZATION OF THE BUREAU OF PUBLIC ROADS

Mr. McNAMARA. Mr. President, in accordance with the notice requesting reconsideration of H.R. 8558, entered on September 21, I now ask unanimous consent that the Senate reconsider the vote by which it passed H.R. 8558, and proceed to its consideration.

The PRESIDING OFFICER. The bill will be stated by title for the information of the Senate.

The LEGISLATIVE CLERK. A bill (H.R. 8558) to amend section 303(a) of title 23, United States Code, relating to the reorganization of the Bureau of Public Roads, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

Without objection, the third reading of the bill is reconsidered.

Mr. McNAMARA. Mr. President, I ask unanimous consent that the Senate amendment be reconsidered and rejected and that the bill be passed in the same form in which it was passed by the House.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Michigan? The Chair hears none, and it is so ordered.

The PRESIDING OFFICER. The question is on the third reading of the bill.

The bill was ordered to a third reading, was read the third time, and passed.

#### HURRICANE CARLA PROVES FEASIBILITY OF PADRE ISLAND PARK, HOUSTON CHRONICLE FINDS

Mr. YARBOROUGH. Mr. President, some opponents of S. 4, the bill to make Padre Island a national seashore recreation area, have pointed with shortsighted and unbecoming enthusiasm to the fact that Hurricane Carla swept high tides over the island.

The opponents of my bill hardly waited for the wind to calm and the tides to ebb before they seized upon the mighty hurricane to argue that it proved that Padre was not suited to be a national seashore recreation area.

This view is absolutely without foundation; the sound conclusion would be to the contrary.

I would like to point out that there was no loss of life on Padre Island. There was ample warning that the hurricane was coming. There was time for people all along the hurricane-threatened gulf coast of Texas to seek refuge further inland.

There was no danger to the people who sought to camp, boat, fish, or simply to find restful seclusion on the Nation's last great potential seashore recreation area.

Hurricane Carla has been called the worst hurricane to slam into the gulf coast. The fact that Padre Island remains, as it always has, a recreation area without parallel in the United States, is sufficient answer to those who would grasp at a devastating hurricane in an attempt to bolster arguments.

My bill to make Padre Island a national seashore recreation area envisions the development of access roads and inexpensive but permanent facilities for camping, fishing, boating, and the usual facilities that go into such a project.

To claim that Padre Island is unsuited for such development is tantamount to claiming that the people of the gulf coast should not return to rebuild their damaged cities and homes. Such a claim is ridiculous.

The fact that hurricanes can be located and watched and reported with such efficiency as that displayed by the U.S. Weather Bureau in dealing with Hurricane Carla is worthy of note.

The fact that ample warning is given to provide time for a mass exodus from the coastline of hundreds of thousands of people is worthy of note.

Hurricane Carla demonstrates that Padre Island is more suitable for a recreation area than as a site for expensive homes.

Those who seek to defeat a park in order to promote high-priced beach homes in this hurricane area, would mislead potential investors and conceal logic with a smoke screen.

The fact that I have pointed to repeatedly in advocating the passage of S. 4—that Padre Island is better suited for development as a national seashore recreation area than for anything else is worthy of renewed emphasis.

It is important to emphasize again that the areas available to the Nation for recreation are dwindling, that costs



ton-Long-Ichord bills for the monument put it this way: "It seems to me that, as in most of these cases, those who are here testifying for the establishment of this monument are moved by the public interest. Those in opposition are clearly moved by one or another private interest."

In the Great Smoky battle there were mining speculators, timber operators, and badly led and misinformed local landowners like those in Cades Cove. Even after the establishment of the park, a U.S. Senator was still trying to smear the first superintendent with unfounded charges of mishandled funds. But the proponents fought through to victory, to the everlasting benefit of the area, its people and the Nation. In view of the need for preservation and economic uplift of the Ozark highland and for expansion of recreation space throughout America, it can be hoped that proponents of the Ozark Rivers National Monument also fight through to victory.

We are often asked what the difference is between the monument bill and the so-called Forest Service bill which proposes attempting preservation of the rivers through scenic easements without Federal ownership but under Forest Service management. The answer is simple and the Forest Service itself has testified before Congress that it favors the monument bill and administration by the National Park Service. The proponents of the so-called Forest Service bill seem less interested in true preservation than in maintaining an illusion of wilderness along the river banks by means of a one-eighth-mile easement that appears little more than a sham.

Actually, the U.S. Forest Service is dedicated to a policy called multiple use on the lands it owns and manages. This term means different things to people with different interests. But it always means that national forest lands can be subject to timber cutting, leased grazing, mining exploration, rental for cabin sites, establishment of timber-use industries which may encourage clear cutting of small timber holdings and to recreation as a secondary use.

The 113,000 acres proposed for the Ozark Rivers Monument are in no way suited to this type of management. Probably less than 40 percent of the area is in forest at all, and this is second and third growth that is 60 to 100 years away from harvest. Even then, Forest Service figures indicate yields of a few cents per acre per year from land of this type. Perhaps another 30 percent of the land is in submarginal farms, many of which are today actually abandoned for substantial agricultural production. The remainder is in a picturesque but nonproductive limestone bluffs and gravel bars.

The effort here should be for multiple use, but not in the Forest Service sense. It should be for restoration and recreation; restoration to the original condition so far as possible—and recreation under proper regulation by the National Park Service to insure preservation of the area for all time for all the people of America.

[From the St. Louis Post-Dispatch, Aug. 22, 1961]

#### HARMONIOUS BUT SEPARATE

Missourians are concerned for the economic development of the Ozark region, and they also are concerned for the safeguarding of the Ozark rivers. Both are proper concerns, and to some extent they go hand in hand. Yet it is necessary to avoid confusion, especially when specific legislation such as the Ozark Rivers National Monument bill is concerned.

The development of the region—the watersheds of the rivers—is a multipurpose undertaking. Its most promising objective may be the development of a forest industry—timbering, pulpmaking, and the like. It

also involves farming, dairying, mining, waterpower development, tourism, and all other activities suitable to the area. Of course, it involves the conservation and use of water, soil, and other natural resources.

One of the most useful agencies on behalf of this multiple-use program is the Department of Agriculture's Forest Service. It is in charge of the Clark and Mark Twain National Forests. In them, supervised timbering and other activities are encouraged. Missourians are grateful for the Forest Service.

The preservation of the Current, Jacks Fork, and Eleven Point Rivers and their banks in their semiwild state is another matter. Missouri properly has asked the National Park Service to carry out this function. As a result, the Symington-Long-Ichord bill for the creation of the Ozark Rivers National Monument is pending in Congress. The bill's primary object is the conservation and enjoyment of scenic beauty. It would authorize the Park Service to acquire narrow strips of land along the rivers—in addition to the larger Cardareva section with its springs, caves, and sinks—and to manage these, in general, as other national parks are managed. This is a single-purpose mandate.

It is, however, in harmony with the broader purposes of area development. Commercial activities would be restricted only on a fringe of riverbank. The relatively small acreage involved would not handicap general economic development. On the contrary, a park would stimulate the business of providing accommodations beyond its borders.

Like the Forest Service and the various State agencies concerned, the Park Service people are conservationists. They can be counted on to be sympathetic and cooperative in regional development. Being charged with guarding the rivers against unwarranted exploitation does not at all mean that their work would be a barrier to overall development. Nor does it follow that the Park Service job might as well be turned over to the Forest Service. The work of the two is harmonious, but each has a specialized task.

[From the Springfield (Mo.) News & Leader, Sept. 3, 1961]

#### MONUMENT IDEA IS BEST OF THREE

Arguments on all sides have been presented, letters written, and wires pulled, but it still appears that the soundest of three plans for preserving the Current, Jacks Fork, and Eleven Point Rivers is that of an Ozarks National Monument.

As the situation now stands there are three plans for the use of this 113,000-acre recreation area.

The one which this newspaper supports is before the House Interior Subcommittee and calls for the creation of the Ozarks National Monument, which would be developed on the advice of representatives from Federal, State, and local governments. These three agencies would organize a commission to control the area and develop it as a tourist attraction.

The second plan, supported by the Secretary of the Interior, calls for the area to become a national park, which would eliminate many features of the local-control proposal. The national park, of course, would be completely under Federal supervision and there would be close restrictions on concessions, accommodations, and perhaps such recreational usage as fishing and hunting.

The third, and least attractive, plan is set forth in a bill prepared by St. Louis Representative Tom CURTIS, which calls for the development of an Ozark Scenic Riverways as an expansion of the Clark National Forest. All the Federal Government could control would be a so-called scenic easement along an eighth-mile strip each side of the rivers.

This would give present landowners the right to use the remainder of their land as

they saw fit, including erection of unsightly structures and the continued destruction of the timber resources.

The easement plan of the National Forest Service seems to be a promotion of private interests, who are sounding off loudly against eminent domain. They don't want the land to become public property, as it would have to be under plans Nos. 1 and 2.

While dissent is their right, and the right of all, it can hardly be respected if it is based solely on selfish and individual interests.

Under a commission of National Park Service operation, a continuous effort would be made to preserve the clear, free-flowing streams, springs, caves, forests, and wildlife. There would be no threat of exploitation within the preserve, but the fringe area no doubt would blossom with resorts and new businesses, offering a distinct economic advantage to an area of the Ozarks which obviously can stand a shot in the arm.

We fervently hope that our Representatives in Congress do their utmost to push forward the monument bill, and resist stoutly the evident efforts to muddy the water by those who are either selfish or misinformed.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the purpose of conserving and interpreting unique scenic and other natural values and objects of historic interest, including preservation of portions of the Current and Eleven Point Rivers in Missouri as free-flowing streams, preservation of springs and caves, protection of wildlife, and provision for use and enjoyment thereof by the people of the United States, the Secretary of the Interior (hereinafter referred to as the "Secretary") shall designate an area not to exceed one hundred and thirteen thousand acres being generally depicted in the publication by the United States Department of Interior, National Park Service, entitled "Ozark Rivers National Monument", dated January 1960, including submerged land along, near, or beneath the Current River in Missouri, the Jacks Fork of the Current River, and the Eleven Point River, for establishment and development as the Ozark Rivers National Monument (hereinafter referred to as "such area"): *Provided*, That no lands shall be designated within two miles of the municipalities of Eminence, Van Buren, and Doniphan, Missouri.*

Sec. 2. The Secretary of the Interior may, within such area, acquire lands and waters, or interests therein, by such means as he may deem to be in the public interest; except that any parcel of land containing not more than five hundred acres, which borders either of the rivers referred to in the first section of this Act, and which is being used primarily for agricultural purposes, shall be acquired by the Secretary in its entirety unless the owner of any such parcel consents to the acquisition of a part thereof. Lands and waters owned by the State of Missouri within such area may be acquired only with the consent of the State. Federally owned lands or waters lying within such area shall, upon establishment of the monument pursuant to section 4 hereof, be transferred to the administrative jurisdiction of the Secretary, without transfer of funds, for administration as part of the monument.

S53.3. Any owner or owners, including beneficial owners (hereinafter in this section referred to as "owner"), of improved property on the date of its acquisition by the Secretary may, as a condition to such acquisition, retain the right of use and occupancy of the improved property for noncommercial residential purposes for a term ending at the death of such owner, or the death of his spouse, or at the death of the survivor of



either of them. The owner shall elect the term to be reserved. The Secretary shall pay to the owner the fair market value of the property on the date of such acquisition less the fair market value on such date of the right retained by the owner.

SEC. 4. When the Secretary determines that lands and waters, or interests therein, have been acquired by the United States in sufficient quantity to provide an administrable unit, he shall establish the Ozark Rivers National Monument and shall declare such establishment and designate the boundaries thereof by publication of notice in the Federal Register. The Secretary may thereafter alter such boundaries from time to time, except that the total acreage in the monument shall not exceed one hundred and thirteen thousand.

SEC. 5. (a) In order to provide compensation for tax losses sustained by counties in the State of Missouri as a result of certain acquisitions by the Secretary of privately owned real estate and improvements thereon pursuant to the provisions of this Act, payments in lieu of taxes shall be made to each such county in which such real estate is located, and which has been authorized, under the laws of Missouri, to assess taxes upon real estate to the person who is in possession thereof and to assess taxes upon any present interest in real estate to the owner of such interest, in accordance with the following schedule: For the calendar year in which the real estate is acquired in fee simple absolute, an amount which bears the same proportion to the full amount of tax assessed thereon in such year as the number of days remaining in such year after the date of acquisition bears to the number of three hundred and sixty-five. In any case where an amount in excess of the difference between such proportionate amount and such full amount has already been paid to the county by or on behalf of the owner or owners from whom the real estate was so acquired, payment of such excess amount shall be made as reimbursement to such owner or owners out of such proportionate amount and only the balance remaining of such proportionate amount shall be paid to the county. For the two succeeding calendar years there shall be paid on account of such real estate an amount equal to the full amount of tax assessed thereon in the year of acquisition.

(b) No payments in lieu of taxes shall be made on account of real estate and improvements thereon in which the Secretary has ever acquired less than a free simple absolute under this Act.

(c) As soon as practicable after real estate taxes have been assessed by such counties in each calendar year, the Secretary shall compute and certify the amount of payments in lieu of taxes due to each of such counties, and such amounts shall be paid to the respective counties by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated.

(d) The provisions of this section shall not apply to any property acquired by the Secretary after December 31 of the twenty-fifth year following the date of enactment of this Act.

SEC. 6. (a) In furtherance of the purposes of this Act, the Secretary is authorized to cooperate with the State of Missouri, its political subdivisions, and other Federal agencies and organizations in formulating comprehensive plans for the monument and for the related watershed of the Current and Eleven Point Rivers in Missouri, and to enter into agreements for the implementation of such plans. Such plans may provide for land use and development programs, for preservation and enhancement of the natural beauty of the landscape, and for conservation of outdoor resources in the watersheds of the Current and Eleven Point Rivers.

(b) The Secretary shall permit hunting and fishing on lands and waters under his jurisdiction within the monument under such regulations as he may prescribe. The Secretary shall, prior to the issuance of any such regulations, consult with those officials of the State of Missouri and of any political subdivision thereof who, with respect to any lands or waters acquired by the Secretary under this Act, exercised jurisdiction over hunting and fishing conducted thereon prior to such acquisition by the Secretary.

SEC. 7. (a) There is hereby established an Ozark Rivers National Monument Commission (hereinafter referred to as the "Commission"). The Commission shall terminate ten years after the date the monument is established pursuant to section 4 of this Act.

(b) The Commission shall be composed of eleven members each appointed for a term of two years by the Secretary as follows:

(1) Seven members to be appointed from recommendations made by the members of the county court in each of the counties in which the Ozark Rivers National Monument is located (Carter, Dent, Howell, Oregon, Ripley, Shannon, and Texas), one member from the recommendations made by each such court;

(2) Three members to be appointed from recommendations of the Governor of the State of Missouri; and

(3) One member to be designated by the Secretary.

(c) The Secretary shall designate one member to be Chairman. Any vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(d) A member of the Commission shall serve without compensation as such. The Secretary shall reimburse members of the Commission for travel, subsistence, and other necessary expenses incurred by them in the performance of the duties vested in the Commission.

(e) The Secretary or his designee shall, from time to time, consult with the members of the Commission with respect to matters relating to the development of the Ozark Rivers National Monument, and shall consult with the members with respect to carrying out the provisions of this Act.

(f) It shall be the duty of the Commission to render advice to the Secretary from time to time upon matters which the Secretary may refer to it for its consideration.

SEC. 8. The Ozark Rivers National Monument, when established pursuant to this act, shall be administered in accordance with the provisions of the Act of August 25, 1916 (39 Stat. 535), and laws supplementary thereto and amendatory thereof.

SEC. 9. There are hereby authorized to be appropriated such sums as may be needed to carry out the purposes of this Act, of which not more than \$6,000,000 shall be expended for the purpose of acquiring lands, interests in lands, and improvements thereon.

SEC. 10. If any provision of this Act or the application of such provision to any person or circumstance is held invalid, the remainder of this Act or the application of such provision to any person or circumstance other than that to which it is held invalid, shall not be affected thereby.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. KEATING. Mr. President, I should like to read into the RECORD an excellent editorial published in the Washington Post of Wednesday of this week, dealing with the subject under discussion. It is entitled "Extending Peonage." It reads:

[From the Washington Post, Sept. 20, 1961]

#### EXTENDING PEONAGE

The hopes of ending peonage among migrant farmworkers have been dashed by a conference committee rejection of the amendment to Public Law 78 adopted by the Senate. Public Law 78 which governs the employment of Mexican migrants, commonly called braceros—the farmworkers who flood across the border to help pick seasonal crops in the Southwestern States—expires at the end of this year. The House passed a bill extending it unchanged for 2 more years. The Senate passed an extension bill containing an amendment by Senator EUGENE MCCARTHY barring the Secretary of Labor from providing Mexican farmworkers to United States farmers unless they agreed to pay the Mexicans at least 90 percent of the State or National average farm wage, whichever was less.

The McCarthy amendment is an indispensable device for protecting American farmworkers—indeed for preventing an exploitation amounting to peonage. The Secretary of Labor urged it as absolutely necessary. The wages of migrant workers have gone down steadily (as Representative MERWIN COAD pointed out in the House) ever since Public Law 78 was originally adopted in 1950; indeed, they are now no less than 18 percent below the 1950 level. The braceros, desperate for employment, are content to work under conditions and for wages disastrously depressing to the farm wage structure in general.

When the two bills went to conference, the Senate conferees, unfortunately, were for the most part unsympathetic to the McCarthy amendment. It occasioned no real surprise that they yielded. We hope, however, that the Senate will not yield. It would be a great deal better—for the country as a whole as well as for farmworkers—to let Public Law 78 lapse at the end of the year than to extend it in a form which can only aggravate the wretchedness and squalor of the servitude imposed on Mexican and American migrants alike.

Mr. President, a few months ago I expressed my intention to move to defer consideration of the conference report until Friday, January 26, 1962. After some remarks had been made, I withdrew the motion in order to confer further with Senators who feel as I do about the proposed legislation and also to confer with representatives of the Department of Labor. I have done that. I do not believe we should take hasty action.

It should be remembered that the Department of Labor in this administration and in the preceding administration, and the President in this administration and in the preceding administration, recommended substantially the McCarthy amendment, which was included in the bill the Senate passed. Incidentally, they also recommended the amendment which I offered, but which was rejected. So from that point of view it might be argued that the views which they expressed might naturally be in favor of the McCarthy amendment and in favor of the proposal to defer action on the conference report until we can be certain that we are not making



a grave error today by adopting the conference report.

However, the remarks which I made earlier are substantially correct. Public Law 78 will expire on December 31 of this year. But between December 31 and the date on which I would propose that the Senate consider the conference report, based on previous experience, some of the growers would use braceros—not nearly as many as at a later period, but some would be used. However, at that time of the year there is very little demand for farm labor of this kind. Therefore, if the braceros were not available in that short interim period, plenty of American workers would be available. If legislation approving the employment of Mexican labor were passed at some time in January, the Mexicans could then be hired. In the meantime, growers could be making their plans to hire braceros, if new legislation were enacted at that time.

I have conferred with the distinguished Senator from Minnesota [McCARTHY] and other Senators. It is not our desire to be unfair toward anyone. I have clearly expressed my continued opposition to this program, both on the basis of the conditions which it has brought about and on the basis that, in my judgment, it would permit some States to compete unfairly with States like New York, which raise fruits and vegetables and pay living wages to labor, but are required to compete with growers in States where cheap Mexican labor is available.

Congress is due to reconvene on January 10. Perhaps January 26, which is the date I originally suggested, is rather late in the month of January. Perhaps a week earlier would be a fairer date for the Senate to reconsider the question. That seems to be the consensus among Senators with whom I have discussed the question.

Therefore, Mr. President, on behalf of both the Senator from Minnesota [Mr. McCARTHY] and myself, I move to defer consideration of the conference report until Friday, January 19, 1962.

Mr. JORDAN. Mr. President, I move to lay that motion on the table.

Mr. KEATING. Mr. President, I ask for the yeas and nays on the motion to lay on the table.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from North Carolina to lay on the table the motion of the Senator from New York to defer consideration of the conference report until Friday, January 19, 1962. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOGGS (when his name was called). Mr. President, I have a pair with the Senator from Illinois [Mr. DIRKSEN]. If the Senator from Illinois were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr.

BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Michigan [Mr. HART], the Senator from Indiana [Mr. HARTKE], the Senator from Wyoming [Mr. HICKEY], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from Michigan [Mr. HART], the Senator from Utah [Mr. MOSS], the Senator from Maine [Mr. MUSKIE], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] would each vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Indiana [Mr. HARTKE]. If present and voting, the Senator from Nevada would vote "yea", and the Senator from Indiana would vote "nay."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Pennsylvania [Mr. CLARK]. If present and voting, the Senator from New Mexico would vote "yea", and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Wyoming [Mr. HICKEY]. If present and voting, the Senator from Idaho would vote "yea", and the Senator from Wyoming would vote "nay."

On this vote, the Senator from Mississippi [Mr. EASTLAND] is paired with the Senator from Alaska [Mr. GRUENING]. If present and voting, the Senator from Mississippi would vote "yea", and the Senator from Alaska would vote "nay."

Mr. KUCHEL. I announce that the Senator from Maryland [Mr. BEALL] and the Senator from Texas [Mr. TOWER] are absent by leave of the Senate, to attend the Commonwealth Parliamentary Conference, in London.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPPEL] are absent, by leave of the Senate, to attend the Interparliamentary Conference, in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Iowa [Mr. MILLER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent, by leave of the the Senate, to attend the Conference of the International Fund and World Bank, in Vienna.

The Senator from Kansas [Mr. CARLSON] and the Senator from North Dakota [Mr. YOUNG] are detained on official business.

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Iowa [Mr. MILLER], and the Senator from Kansas [Mr. SCHOEPPEL] would each vote "yea."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Connecticut [Mr. BUSH]. If present and voting, the Senator from Kentucky would vote "yea", and the Senator from Connecticut would vote "nay."

On this vote, the Senator from Indiana [Mr. CAPEHART] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from Indiana would vote "yea", and the Senator from Maryland would vote "nay."

The result was announced—yeas 43, nays 30, as follows:

[No. 217]

YEAS—43

Aiken	Gore	Mundt
Anderson	Hayden	Robertson
Bennett	Hickenlooper	Russell
Bible	Hill	Saltonstall
Byrd, Va.	Holland	Smathers
Case, S. Dak.	Hruska	Smith, Maine
Cooper	Jackson	Sparkman
Cotton	Johnston	Stennis
Curtis	Jordan	Talmadge
Dworshak	Kefauver	Thurmond
Ellender	Kerr	Wiley
Engle	Kuchel	Williams, Del.
Ervin	Long, La.	Yarborough
Fulbright	McClellan	
Goldwater	Monroney	

NAYS—30

Bartlett	Keating	Morse
Byrd, W. Va.	Lausche	Pastore
Carroll	Long, Mo.	Pell
Case, N.J.	Long, Hawaii	Prouty
Dodd	Magnuson	Proxmire
Douglas	Mansfield	Randolph
Fong	McCarthy	Scott
Hart	McGee	Symington
Humphrey	McNamara	Williams, N.J.
Javits	Metcalf	Young, Ohio

NOT VOTING—27

Allott	Carlson	Miller
Beall	Chavez	Morton
Boggs	Church	Moss
Bridges	Clark	Muskie
Burdick	Dirksen	Neuberger
Bush	Eastland	SchoeppeL
Butler	Gruening	Smith, Mass.
Cannon	Hartke	Tower
Capehart	Hickey	Young, N. Dak.

So the motion to lay Mr. KEATING'S motion on the table was agreed to.

SEVERAL SENATORS. Vote! Vote!

Mr. PROXMIRE. Mr. President—

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. PROXMIRE. I expect to talk at some length on this matter. I feel very strongly about it.

#### EXECUTIVE REPORTS OF COMMITTEE ON POST OFFICE AND CIVIL SERVICE

Mr. JOHNSTON. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina without my losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.



Mr. JOHNSTON. Mr. President, as in executive session I send to the desk the nominations of 50 postmasters reported favorably by the Committee on Post Office and Civil Service.

The PRESIDING OFFICER. The nominations will be placed on the Executive Calendar.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Bartlett, one of its reading clerks, announced that the Speaker pro tempore had affixed his signature to the following enrolled bills, and they were signed by the Vice President:

H.R. 468. An act to amend section 1073 of title 18, United States Code, the Fugitive Felon Act;

H.R. 1777. An act to amend title 18 of the United States Code to prohibit the transportation of fraudulent State tax stamps in interstate and foreign commerce, and for other purposes;

H.R. 2730. An act to repeal section 791 of title 18 of the United States Code so as to extend the application of chapter 37 of title 18, relating to espionage and censorship;

H.R. 2732. An act to amend section 303(c) of the Career Compensation Act of 1949 to authorize the Secretaries concerned to prescribe a reasonable monetary allowance for the transportation of house trailers or mobile dwellings;

H.R. 6122. An act for the relief of Maria Luisa Reis (nee) Loys;

H.R. 6845. An act to amend title 14 of the United States Code to provide for an expansion of the functions of the Coast Guard;

H.R. 8765. An act to amend and clarify the reemployment provisions of the Universal Military Training and Service Act, and for other purposes;

H.R. 8958. An act to remove the present \$5,000 limitation which prevents the Secretary of the Air Force from settling certain claims arising out of the crash of a U.S. Air Force aircraft at Midwest City, Okla.; and

H.R. 9096. An act to amend the antitrust laws to authorize leagues of professional football, baseball, basketball, and hockey teams to enter into certain television contracts, and for other purposes.

#### MEXICAN FARM LABOR PROGRAM—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the conference report on the migratory labor bill. Without objection, the conference report is adopted—

Mr. KEATING. Mr. President, may we be informed what the bill that was offered was?

The PRESIDING OFFICER. The Senator from South Carolina sent to the desk nominations of postmasters.

The question now is on agreeing to the conference report on the migratory labor bill.

Mr. JAVITS. Mr. President, has the Senator from Wisconsin been recognized?

Mr. PROXMIRE. Mr. President, the Senator from Wisconsin has the floor.

Mr. JAVITS. I do not think so, because the Chair was about to call for a vote.

Mr. PROXMIRE. It was the understanding of the Senator from Wisconsin that he yielded to the Senator from South Carolina with the understanding that he would not lose the floor. The Senator from South Carolina brought up another matter and wanted to bring up a motion—

The PRESIDING OFFICER. The Senator from Wisconsin is correct. The Chair was in error in his statement.

#### ORDER FOR ADJOURNMENT TO 8 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield without my losing the floor.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. MANSFIELD. Mr. President, the request I am about to make was made about 2 hours ago, and has nothing to do with continued speechmaking on the conference report.

I ask unanimous consent that when the Senate adjourns tonight, it adjourn to meet at 8 o'clock tomorrow morning.

The PRESIDING OFFICER. Is there objection?

Mr. DOUGLAS. Mr. President, reserving the right to object—

Mr. MANSFIELD. Mr. President, I move that when the Senate adjourns tonight, it adjourn to meet at 8 o'clock tomorrow morning.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Montana. [Putting the question.]

The motion was agreed to.

#### ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. GOLDWATER. Until what time will the Senate remain in session tonight?

Mr. MANSFIELD. I would say the Senate will remain in session at least until 10 or 11 o'clock, or thereabouts.

Mr. GOLDWATER. Is it the Senator's intention to bring up the public works bill tonight?

Mr. MANSFIELD. If the conference report is disposed of, yes; that bill will follow the pending business.

Mr. GOLDWATER. Does the Senator expect to complete action on the public works bill tonight?

Mr. MANSFIELD. It is not in my hands.

Mr. GOLDWATER. I would like to get it in the hands of the majority leader.

Mr. MANSFIELD. So would I. [Laughter.]

#### MEXICAN FARM LABOR PROGRAM—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President—  
The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. JOHNSTON. Mr. President—

Mr. PROXMIRE. Does the Senator from South Carolina wish to have the Senator from Wisconsin yield?

Mr. JOHNSTON. Yes.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may yield to the Senator from South Carolina without my losing the floor.

Mr. COTTON. Mr. President, I object.

Mr. PROXMIRE. Mr. President, since objection has been heard, the Senator from Wisconsin has no alternative but to speak.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. PROXMIRE. Yes, for a question only.

Mr. COOPER. Is it not correct that the Senator from Wisconsin has another alternative—he does not have to speak?

Mr. PROXMIRE. I thank the Senator from Kentucky. I have another alternative. I do not have to speak, physically, I suppose, but, morally, I am compelled to speak, and it is not an alternative that is available.

Mr. PROXMIRE obtained the floor.

Mr. JOHNSTON. Mr. President, will the Senator yield to me with the understanding that he will not lose his right to the floor?

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I may do so.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin?

Mr. COTTON. Mr. President, reserving the right to object—and I shall not object—it seems to me that if Senators at this hour are to take an opportunity to hold up business, they should hold up business. I do not wish, however, to impede the exercise of duty by the distinguished Senator from South Carolina, so I shall not object. I may object if there is any further yielding except for questions.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and the Senator from South Carolina may proceed.

#### STATUS OF CERTAIN ALIENS

Mr. JOHNSTON. Mr. President, I ask the Presiding Officer to lay before the Senate the amendments of the House of Representatives to Senate Concurrent Resolution 31.

The PRESIDING OFFICER laid before the Senate the amendments of the House of Representatives to the concurrent resolution (S. Con. Res. 31) relating to certain aliens, which were, on page 2,



strike out line 10; on page 2, strike out line 12; on page 3, strike out line 9; on page 3, strike out line 19; on page 4, strike out line 3; and on page 4, after line 6, insert:

SEC. 3. The Congress approves the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 6 of the Refugee Relief Act of 1953, as amended (67 Stat. 403; 68 Stat. 1044):

A-7957556, Allen Shih-Chun Hsiao,  
A-9948078, Piccinich, Matteo Millo,  
A-10135721, Scrivanich, Nicolo Martino,  
A-10255933, Hroncich, Martino,  
A-7828472, Bohlman, Jerzy (also known as Michael George Bohlman),  
A-6920592, Kapka, Alice Mary,  
A-6920587, Kapka, Edith Majer,  
A-6920588, Kapka, Edith Rosemary,  
A-6920633, Kapka, Janos or John,  
A-6920591, Kapka, Janos or John Mary,  
A-7469190, Kapka, Mary Valery,  
A-10136154, Morin, Giovanni (also known as John Morin),  
A-9798837, Sotirion, Georgios,  
A-6667573, Wasiel, Bogdan.

SEC. 4. The Congress favors the granting of the status of permanent residence in the case of each alien hereinafter named, in which case the Attorney General has determined that such alien is qualified under the provisions of section 4 of the Displaced Persons Act of 1948, as amended (62 Stat. 1011; 64 Stat. 219; 40 App. U.S.C. 1953):

A-9660331, Zurek, Edward,  
A-9776592, Nyczkal, Piotr or Petro Nyczkal or Peter Nickalo,  
A-8015435, Szubert, Marijan.

Mr. JOHNSTON. Mr. President, on July 17, 1961, the Senate agreed to Senate Concurrent Resolution 31, to approve the action of the Attorney General in granting suspension of deportation to 52 deportable aliens.

On August 22, 1961, the House of Representatives agreed to Senate Concurrent Resolution 31, with amendments to delete 5 cases from the resolution, and to add an additional 17 cases of aliens whose cases were referred to the Congress under the provisions of section 6 of the Refugee Relief Act of 1953, as amended, and the Displaced Persons Act of 1948, as amended.

The House of Representatives has agreed to reconsider its action in deleting two of the cases. I move that the Senate concur in the House amendments Nos. 1, 2, 5, and 6 to Senate Concurrent Resolution 31 and disagree to amendments Nos. 3 and 4, which have been ironed out with the House.

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from South Carolina.

The motion was agreed to.

#### MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, witnesses testifying before congressional committees have advanced a series of arguments for Public Law 78 which ap-

pear to range from the irrelevant to the ridiculous when analyzed. We shall examine them one at a time.

#### NO LABOR AVAILABLE

Some witnesses claimed that without braceros their crops would rot in the fields. They claim that domestic labor is not available for seasonal agricultural work.

If we have heard any consistent argument it seems that this is the argument we have heard over and over again. This argument was partly answered previously today. A few additional remarks seem warranted.

Most of the witnesses who advanced this argument were the representatives of labor contracting associations, user organizations and processing cooperatives and corporations which have a special interest in perpetuating the bracero system. These witnesses claimed that they made all-out attempts to recruit domestic labor but failed.

Harvey R. Adams, executive vice president of the Agricultural Council of Arkansas, put it this way:

I don't believe anybody can make any more effort to obtain the workers (domestic) than we have, we think we have done a tremendous job in soliciting them from out of State and any place we can find them.

Can Mr. Adams really be serious about his recruitment efforts when farmworkers in Arkansas are paid, according to Department of Labor surveys, between 35 and 50 cents an hour? The truth is that American farmworkers are understandably not available for such preposterous wage rates, and neither should they be. From any viewpoint these wage rates are morally wrong and economically absurd. They belong to the unhappy depression days of 25 years ago, from which we have long and thankfully emerged, at least in most parts of these United States.

When decent wages and working conditions are offered, American labor is available. It is available, for example, in the State of Washington, where wages are as high as \$1.25 an hour, where growers participate in an annual worker plan, and sometimes advance transportation costs to American migrants.

It is available in the State of Oregon, where the State legislature has enacted legislation improving conditions for American farmworkers. It is available in northern California, where American workers can earn as much as \$1.50 an hour on tree crops. It is available in the State of Ohio, where an enlightened State and grower policy has resulted in an elimination of the foreign labor which once came into the State.

In other words, in those places where growers have made a sincere effort to recruit domestic workers, they have been successful. When an unlimited supply of foreign labor is available, however, there is no economic pressure put on the grower to improve his recruitment activities.

The second argument which was made by witnesses was that they were unable to pay. Some witnesses testified that because of decreasing farm income, growers cannot afford to raise wages. This argu-

ment is generally coupled with the complaint that growers have no control over the price they receive for their products.

The question arises as to what growers cannot afford to pay higher wages. There is no doubt that the family farmer who uses little or no labor is in serious economic trouble. No evidence has been presented, however, to indicate that those large growers and processing corporations and cooperatives, who are the chief beneficiaries of the bracero program, are fighting for survival. On the contrary, these enterprises which employ braceros seem to be doing quite well. It is highly possible that an increase in labor costs could be absorbed by most growers who use Mexican labor through mechanization, crop diversification, or some other means.

The fact is that in the State of Wisconsin over 1,000 Mexicans are employed, according to testimony received by congressional committees. I know that virtually none—and I think none—of the braceros are employed on the Wisconsin dairy farms. Wisconsin is a great dairy State. While there is some tendency for some farmers who have very large herds to employ other than members of the family to work on the farm, that is most unusual.

The fact is that employment of braceros at low wages, far from benefiting farmers, provides for the family farmer a form of competition which does not increase farm income but decreases income, which does not decrease the surplus of agricultural commodities but increases that surplus, which does not increase the prices the farmer receives for what he produces but reduces those prices.

Even if labor costs could not be absorbed, it is highly doubtful that an increase in labor costs would result in a substantial increase in overall production costs in agriculture. In 1958, the total wage bill amounted to \$2.9 billion, while total production expenditures, including interest and rent, amounted to \$25.2 billion. Farm labor costs, therefore, represent only 11.5 percent of total farm production costs, or less than one-eighth, according to the U.S. Department of Agriculture. This means that farm labor wages could rise more than 8 cents an hour before production costs are raised as much as 1 cent an hour.

Mr. President, I wish to repeat that. In the first place, farm labor costs represent only 11.5 percent—about 10 percent—of total farm production cost. This means farm labor wages could rise more than 8 cents per hour before production costs would be raised as much as 1 cent an hour.

Furthermore, as I have tried to emphasize, the fact is that the labor costs are not the costs of the typical family farmer because he and his family, almost by definition, do the work on the typical family farm. This is the cost of his competition, with the corporation farm, with the large farm.

J. Blaine Quinn, master of the California grange, in a speech before the 88th annual convention of the California grange, said the following regarding the price growers receive for their products:



The threat to orderly production and harvesting of California's \$3 billion agricultural output must not be ignored. We take the position that the present labor strife is an indirect result of greed on the part of large landholders who brazen their way with unlimited expansion of all farm products, with little heed to supply and demand.

Naturally, they depress the market for all similar products and force the independent producer to seek the cheapest labor supply available in order to get enough out of their year's effort to keep above board. This forces wages for farm labor down below those of any other scale in the American Nation.

As the senior Senator from New York [Mr. JAVITS] so eloquently said earlier in his excellent speech on this issue, the fact is that the agricultural farmworker is at the bottom of the American economic pyramid. If there is any forgotten man, if there is any man or woman who is neglected, it is the agricultural farmworker. He not only lacks the kind of economic income he deserves, but also, he does not have the political influence to achieve the kind of legislation which would protect him, because typically he is a man who travels all over the country. Since he is a migrant worker, he does not work where his residence is. As the Senator from Illinois has emphasized over and over again, the migrant worker rarely votes. Often he is a man of Negro or Mexican extraction. Every study has indicated that the non-white population has a very low record of voter participation. There are many reasons for it, most of which are beyond their control.

Without the braceros, it is highly doubtful that the "large landholders" Mr. Quinn describes could "brazen their way with unlimited expansion of all farm products." Mr. Quinn suggests that when the independent producers "organize" they will be able to "calmly and rightly demand a fair return." When this happens, Mr. Quinn says, "Labor unrest will be reduced to a minimum."

Yet, even if all these factors did not exist, it would still be impossible to argue that American agriculture must, in the attempt to meet its economic problems, exploit farmworkers. Fred Bailey of the National Grange testified as follows before the Subcommittee on Equipment, Supplies, and Manpower:

We shouldn't rely on the pleas of economic poverty in agriculture to justify a low rate. We have got to put the emphasis, in our opinion, on raising agricultural income to the point where it is attractive to American workers.

We heartily concur with Mr. Bailey and the Grange.

This is no way to increase farm income. This is a way to decrease farm income, by importing into the country more producers. If there is any simple, well-known economic fact in America, it is that we have too much farm production. We have an overproduction. We have a surplus which has plagued not only the farmer, but the taxpayer. That is why, unless there are strict limitations and careful supervision of the importation of Mexican workers, it is certainly not in the interest of the taxpayers of America, because it means we will be

plagued with a surplus to an even greater degree.

In the third place, some Public Law 78 supporters contend that consumer prices will increase if the bracero program is terminated or reduced. The argument goes like this: A reduction in the amount of Mexican labor available to American growers will cause an increase in the labor cost, thereby raising food costs. In our opinion, this question has no bearing whatsoever on whether or not Public Law 78 should be reformed, extended, or terminated. As former Secretary of Labor Mitchell said:

In this country we do not choose to keep down our bills, including our food bills, at the cost of overworking and underpaying human beings. We choose to pay the price necessary to support an adequate wage.

Of course, Mr. Mitchell is correct.

We do this overwhelmingly in the industrial sector of our economy. We provide minimum wages and maximum hours. Not now, but in the very near future, we shall require the payment of the \$1.25 minimum wage for those working in interstate commerce. But with time and a half for overtime, it will amount to nearly \$2 as a minimum for people who work more than 40 hours. Whereas, of course, in agriculture, our farmers work far more than 40 hours a week. The fact is, as stated by the Department of Agriculture, that in Wisconsin the average number of hours worked on Wisconsin farms, was 12 hours a day, 7 days a week, or 84 hours.

No argument can be made for subsidizing the American consumer by having the farmworker work at wages which are substandard, unfair and indecent. It is as immoral and wrong as the system of many years ago, now far gone in America, of expecting people to work for a pittance—10, 15, or 20 cents an hour—in sweatshops, on the ground that if they were paid more, consumer prices would increase.

We are in complete agreement with this statement, and we believe that the vast majority of farmers in the United States would also support Mr. Mitchell's views on this question. Spokesmen for consumer groups, testifying before the Gathings subcommittee, stated unanimously that consumers would be willing to pay the extra cost, if any, necessary to eliminate substandard labor conditions in American agriculture.

It is doubtful, however, that reform of Public Law 78 would have a significant effect on consumer prices. In 1957 farmers received 40 cents of every consumer dollar spent for food. Of the receipts, farmers paid 9.6 percent in wages. That is, less than 4 percent of consumers' food expenses went for farm labor.

As I understand, the farmer used to receive more than half the price that the housewife paid for food, but the percentage has declined. As I said, in 1957 it was 40 cents; now it is a little less.

If the farm wage level should rise, even if farmers were able to pass the increase straight along, the consumer would scarcely feel its effect upon his budget. If wage costs rose 25 percent, for example, retail prices would be

pushed up a mere 1 percent. We know they fluctuate more than that from month to month.

The fourth argument used by proponents of the law, those that feel it is essential that it should be extended, is the effect that it would have on Mexican-American farm labor.

The Mexican farm labor importation program is, in effect, a point 4 program to Mexico, the supporters of Public Law 78 have testified. The fact is that Public Law 78 is not a foreign aid program, but a program to supply American farmers with supplemental labor. It must be examined on this basis, and not on the basis of a point 4 program. While it is true that the money brought home by Mexican braceros is of help to the Mexican economy, it cannot be argued that this is a legitimate justification for a program which is undermining the economic position of American farmworkers.

As we stated in the minority report of this committee last year:

One can hardly expect the American farmworker to shoulder the burden of providing foreign aid to Mexico. If Mexico is to be helped, let us do it through programs established for that purpose—and not by injuring a large segment of our population.

#### ANTI-WETBACK MEASURE

The fifth argument proponents of Public Law 78 make is that the bracero program is an antiwetback measure. If the program were terminated or reduced, these growers claim, the invasion of illegal entrants from Mexico—the so-called wetback invasion—would begin all over again.

It must be stated that this is more of a threat than an argument. The growers are telling the U.S. Government that if it reduces the amount of braceros available for work on U.S. farms, they will hire Mexicans who enter the country illegally. Turning logic upside down, they say that the best way to cure the wetback problem is to legalize the wetbacks.

We believe that the Immigration and Naturalization Service is adequate to the task of policing the Mexican border. We believe, further, that if growers, or any other employers, presume to break our Nation's immigration laws by harboring and/or transporting workers who have entered the country illegally, they should be punished for their actions. A few stiff fines levied on such lawbreakers would cure them of hiring illegal entrants to the United States.

To sum up this section, it seems to me that the argument that no domestic labor is available has been met with statistics. It has been met by showing the situation in State after State. The way to meet it, of course, is to pay adequate wages to domestic workers. It has been shown that this is true in State after State. It is true in the State of Washington, in the State of Oregon, in part of California, in the State of Ohio, and in many other areas. Domestic labor is available to those who are willing to pay it.

It was interesting to me that the distinguished junior Senator from Arizona [Mr. GOLDWATER], who is recognized as



one of the leading statesmen of America, should argue this afternoon that it was necessary to have this program because wages are too high and it is impossible to procure domestic workers for the wages that are paid, or the wages the farmers can afford to pay.

The Senator from Arizona is a great expert on economic policy. He believes deeply and wisely in the classic economic theory, which argues that one can cure these ills through the law of supply and demand. He is absolutely correct in arguing that way. However, he is not right or consistent in saying that the difficulty is that it is impossible to get labor because the people will not work at the wages that can be paid.

The solution is simple. The solution is to pay higher wages. That is the solution that has worked in America and has resulted in a magnificent increase in our standard of living and in a very substantial increase in the economy of those who are not agricultural workers but work in other fields.

Wages have gone up because employers have found that they cannot get workers at the low wages that were paid years ago. Suppose we had handled this situation years ago by providing that, because we could not get workers at 10 cents or 20 cents or 25 cents an hour, we would import them from some other country, perhaps from central Europe or from the Far East. To some extent there was a tendency for that situation to develop, but in a somewhat different way. Immigrants came to this country who were willing to work for low wages. That situation has been changed. However, those people came to America to become American citizens, not to stay for a few months and then to return to their country.

It has been demonstrated beyond any question that it is possible to hire workers if one is willing to pay them.

The second point that is made is the inability to pay. It seems to me that that point has been met by the fact that we should recognize who these people are who hire the producers. They are not the dairy farmers of Illinois or the corn and hog farmers of Illinois. They are not the dairy farmers or the corn and hog farmers of Wisconsin. These are the big corporate operators.

Mr. DOUGLAS. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. I yield for a question.

Mr. DOUGLAS. Is it not true that the State which imports the largest amount of Mexican labor is the State of Texas?

Mr. PROXMIRE. The Senator from Illinois is absolutely correct.

Mr. DOUGLAS. California is second. Labor conditions in California are not too bad. However, the State of Texas imports the largest number. Is that not true?

Mr. PROXMIRE. The Senator from Illinois is correct. The State of Texas imports the largest number.

Mr. DOUGLAS. Did the Senator from Wisconsin read the novel "Giant"

written by Edna Ferber, and from which the motion picture was made?

Mr. PROXMIRE. Yes; the Senator from Wisconsin read the novel and enjoyed it greatly, and also enjoyed the excellent motion picture.

Mr. DOUGLAS. Is it not true that the most significant sociological observation in that novel was the comment of the big rancher who told his niece that the big fortunes of Texas were based on exploited Mexicans and the 27½ percent depletion allowance?

Mr. PROXMIRE. The Senator from Illinois is absolutely correct. The Senator and I have worked for a long time for the correction of the 27½ percent depletion allowance, which I think is a very necessary and laudable target. This is a problem of even greater import, because it involves human beings directly. I think that observation is interesting, if perhaps not completely and totally accurate.

Mr. DOUGLAS. Is it not true that Edna Ferber spent a great deal of time in Texas and was entertained widely by Texans, particularly by the big ranchers, and was not prejudiced against Texas in the slightest, and that after studying and observing the local color, she decided this was her considered judgment?

Mr. PROXMIRE. The Senator from Illinois is entirely correct. I point out further that this is something that should be appreciated by many Senators. One of the interesting customs of the Senate is to give great consideration to the attitude of Senators who represent the States which are most directly involved.

As the Senator has pointed out, Texas is certainly far more involved than any other State. It is overwhelmingly involved in this program. What position do the Senators from Texas take? They both voted to table the conference report. They both felt that consideration of it should be postponed until next year. They were correct, although perhaps for different reasons than the Senator from Illinois and the Senator from Wisconsin have stated. They understand their States thoroughly, and far better than does any other Senator. I think their position should be given very great weight.

Mr. DOUGLAS. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Without speculating on the motives of the Senators from Texas, is it not true that what is happening in Texas is a very curious affair, namely, that the big growers feel that the bill does not give them enough, and the people who want to defend the underdog feel that the bill goes too far?

Mr. PROXMIRE. The Senator is correct.

Mr. DOUGLAS. And the Senator from Wisconsin and the Senator from Illinois are on the side of the underdog?

Mr. PROXMIRE. The Senator is right.

Mr. DOUGLAS. We are not opposing the bill in order to help the big ranchers.

Mr. PROXMIRE. The Senator is correct. The Senator from Vermont, who

is on his feet, has made this point very effectively. As he puts it, the extremes on both sides do not like the bill. He implies that because the extremes do not like it, the middle road, which is so attractive to all of us, and which we all consider to be a desirable place to get, should be adopted on the basis of consideration of who opposes the conference report.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. DOUGLAS. Is there not too much of a tendency to have homogenized politics at the present time?

Mr. PROXMIRE. I certainly agree. Whether one is on the right or on the left or in the middle of the road, if he examines the merits of the program—Public Law 78—from the standpoint of the national interest, whether he is a taxpayer or a farmer—and I am including the average family farmer who owns his own farm—this program is not in his interest. It is not a program which benefits him. I think it is a program that can, at the very least, be delayed.

Mr. AIKEN. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. AIKEN. I have been very much interested in the debate on the conference report, because it has proved conclusively one of my contentions. I have always held that if two persons start from the same spot, and one starts left and keeps going left, and the other starts right and keeps going right, the two will eventually meet.

Mr. DOUGLAS. At a distance of about 12,417 miles.

Mr. AIKEN. When I saw the Senator from Illinois walking hand in hand with the Senator from Texas yesterday, I felt the point I had made had been conclusively proved.

Mr. PROXMIRE. I thank the Senator from Vermont for his observation. However, I feel strongly that this is not a middle-of-the-road bill; it is a bill which benefits only the big corporation farmers. It benefits only a few producers who are financially, economically, and politically powerful. It does not benefit the overwhelming majority of American farmers. It hurts them because it provides for unfair competition. Ninety-nine percent of the taxpayers are damaged by the program because it hinders the production of farm products.

Even if labor costs could not be absorbed, it is highly doubtful that an increase in labor costs would result in a substantial increase in the overall costs of agriculture. The inability-to-pay argument makes no sense, for two reasons: First, those who are best able to pay are the ones who would be affected by the program. It is the corporation farmers who can afford to pay it.

Second, if the increased labor costs were passed on to the consumer, the impact of the consumer would be extremely limited, because the share that the farmer, including the big farmer, gets of the consumer's dollar is small; and the proportion of agricultural wages to farm costs is small.



As I have stated, a 25-percent increase in the wages of ordinary farmworkers—and the bill would not provide anything like that—would result in a 1-percent increase, at the very most, if it were translated—which it would not be—into the ultimate cost of food.

In the third place, the argument was made that the bill will have an unfortunate effect on Mexico. The answer to that argument is clear. A foreign-aid program for Mexico is laudable, but it ought to be considered and discussed, if there be a chance to do so, on its merits, and the cost borne by all Americans equitably, not primarily by migrant farmworkers. It should not be borne by the migratory workers who compete with the braceros.

The final argument was that the bill serves as an antiwetback program. This is not true, because there is no reason in the world why employers who wish to violate the law by hiring Mexicans under illegal circumstances and paying them even less than is paid under the braceros programs would be dissuaded because of the treaty that has been signed. The Immigration and Naturalization Service has a duty to enforce the law. I am confident that it can enforce the law if it is given the personnel to do so.

The Mexican farm labor importation program, whereby an emergency measure has been extended and expanded during all this time, raises serious moral and economic questions, and represents questionable public policy. I think we should recognize that this was an emergency program, a wartime program; and while we are in another emergency, I think it is perfectly obvious that the emergency which gave rise to the present program no longer exists. The justification for it no longer exists. It is ridiculous to continue it on the basis of its initial adoption. This program, which depends for its existence on poverty and unemployment in the Republic of Mexico, has a tendency to increase poverty and unemployment at home in America.

As the program is operating at present, it is denounced by religious leaders of all faith. It has been criticized by responsible citizens from all walks of life. It has been declared to be detrimental to the interests of U.S. farmworkers by both the former Secretary of Labor, James P. Mitchell, a Republican, and the present Secretary of Labor, Arthur J. Goldberg, a Democrat. Its effect on the economic position of farmers who do not use foreign labor has been questioned by the leaders of national farm organizations. I think this is important, because some Senators are laboring under the misapprehension that this is a bill which, while it is opposed by organized labor, the Secretary of Labor, and by religious leaders and others who have humanitarian instincts, is somehow a bill which is favored by farm organizations. The fact is that farm organizations have seriously questioned it. Its effect on the economic position of farmers who do not use foreign labor has been questioned by the national farm leaders.

The present administration has announced opposition to Public Law 78, unless it is amended to protect U.S. farmworkers from the unfair competition of Mexican laborers. Earlier today, the question was raised as to whether President Kennedy would veto the bill if it should pass. There is a strong indication that he might do so, in view of the position taken by the Secretary of Labor, because the present administration has announced its opposition to any extension of Public Law 78 unless the law is amended to protect U.S. farmworkers from unfair competition by Mexican labor.

It is apparent from an analysis of the bill that the technical extension which the House adopted certainly does not constitute protection of U.S. farmworkers of any significance on the basis of what the administration has said, so it seems to me that there is every chance that there might be a veto of the bill, even if it were passed. It is my contention that the bill does not conform with the program of the President of the United States.

Essentially, the Mexican farm labor program raises an important question concerning public policy. Should the power and authority of the Government be used in such a manner as to perpetuate a farm labor system rooted in unemployment and poverty, both at home and abroad?

The bill, by providing for a 2-year extension of Public Law 78, without major reforms, answers this question in the affirmative. I invite the attention of the Senator from Illinois to this point, because I know he is concerned about it. The bill previously provided for a 1-year extension; this proposal provides for a 2-year extension. That means that if the bill passes, the question will be taken out of the hands of Congress for 2 long years. If the Senate had compromised with the House; or if there had been any effort to limit the term to 1 year, I think the case for the extension of the measure might be somewhat stronger. But to extend the impact of the present law for 2 years is, it seems to me, quite serious. It means that Senators and Representatives who feel very strongly about the measure are giving up for 2 years their opportunity to pass on the question. It means that Senators who come up for election in 1962 may never have an opportunity to pass on it again. Every Member of the House puts himself in that position.

The bill is based upon the proposition that the Nation's largest industry, agriculture, is dependent on cheap labor for its survival, and that the Nation's growers are incapable of solving their labor problem without help from the Federal Government. Growers who have benefited from this program through the years have come to believe that the Government "owes" them a labor force.

If there is any group in America which has been condemning Government programs and Government subsidies, it is the big farmers—the big corporation farmers. Wisconsin has very few big farmers. There are some, but they are in a small minority, and they are not

significant in terms of total production. They strongly oppose Government intervention in agriculture. Nevertheless, they are receiving a cheap labor supply because the Government has intervened.

I deny the validity of this proposition. It is my contention that it should be public policy to accomplish in agriculture what we have already accomplished in other sectors of our economy; namely, a restoration of respect and dignity, based upon steady and good working conditions for those who work for hire on American farms.

In my opinion the conference report would work against the accomplishment of this goal.

#### EFFECT OF PUBLIC LAW 78 IN FOSTERING A CLASS SYSTEM IN AMERICAN AGRICULTURE

Witnesses representing bracero-using associations, sugar companies, processors, and canneries testified before congressional committees that American workers will not perform stoop labor on American farms. A steady parade of these witnesses variously described this kind of work as "arduous," "disagreeable," "unpleasant," "nasty," and "distasteful."

At the same time, they described the American workers who do accept this work as "unreliable," physically incapable, "alcoholics," and "skid-row derelicts." When these witnesses were asked whether higher wages and better working conditions might attract more reliable and qualified workers, the answer was generally "No," the contention being apparently, that Americans are above performing these so-called distasteful agricultural jobs.

The implication of such testimony is that some jobs in American agriculture are below the dignity of qualified American farmworkers. The further implication is that such work is not below the dignity of citizens of Mexico. Thus, according to this point of view, Mexican labor is needed to perform jobs that only the derelicts of American society will perform. Once the initial premise is accepted, it is easy to arrive at the ultimate conclusion: Since American growers should not have to depend on unreliable and physically incapable American derelicts to satisfy their labor needs, they must be provided with foreign labor.

It seems clear that these growers are arguing for a class system in American agriculture. Years ago the English economist, Ricardo, defined what he called "the natural rate of wages" as being "that price which is necessary to enable the laborers, one with another, to subsist and perpetuate their race without increase or diminution," and thereby be able to serve the owners or producers.

Mr. President, growers tell us that if American workers are not available at the prevailing wage—the modern substitute for Ricardo's "natural rate of wages"—we must recruit workers from the poor of foreign countries. Presumably, they believe that there will always be a sufficient amount of poverty in the world to provide workers who are willing to perform jobs that higher class people will not accept. This theory is



based, of course, on placing a very low economic and social value on the jobs associated with the harvest.

Is it true that these jobs are so disagreeable that qualified American workers will not accept them, regardless of the wages and working conditions offered? Frederick S. Van Dyke, a grower from Stockton, Calif., when testifying on behalf of the National Advisory Council on Farm Labor, said:

There is dignity, gentlemen, in agriculture. For the moment it has shrunk under the onslaught of misguided legislation such as Public Law 78. But, given the chance, it can survive and it can flower. The dignity inherent in agriculture deserves to survive, no less than our free society itself deserves to survive.

Mr. President, the dignity Mr. Van Dyke spoke about will not survive if agriculture becomes permanently dependent on a special class of poverty stricken and underprivileged people, regardless of whether they originate in the United States or Mexico.

I have studied the Ricardian theory of economics. I disagree vigorously with the notion that the proposal now before us is even in accordance with the Ricardian theory of economics. It is not. The essence of the Ricardian theory of economics is to insist on applying the law of supply and demand to labor. But the entire system of government encouragement of union organization under the Wagner Act and its modifications has been contrary to the Ricardian theory of economics. However, even under a strict application of the Ricardian theory of economics, the Mexican bracero system does not square with it, because the pay of domestic workers is not increased, even though it is found that sufficient numbers of them are unwilling to work at such wages. In that situation, those who would follow the Ricardian theory of economics would argue that the wages should, therefore, be increased. Although such persons did not have the same regard for union organization that many persons today have, they did feel that if wages were too low, the way to solve the situation was to raise wages, just as when there is an inadequate supply of a commodity, the way to remedy that situation is to have the price of the commodity raised, with the result that larger quantities of the commodity are produced. So I submit that this measure is not in keeping with the kind of legislation we have enacted in regard to other labor, and it is not even in accordance with the 19th century theories of economics.

Each year, hundreds of thousands of migratory workers, underemployed, poorly paid, poorly educated, and trained only in agriculture, roam throughout the United States, helping to reap the rich American harvest. To this we add approximately 400,000 underprivileged foreign workers, because, according to the bracero-using growers, there are not enough migrants to perform agriculture's disagreeable jobs.

The proponents of Public Law 78 dismiss the migratory labor problem as a social question, not the concern of American growers. They are quick to

admit, however, that many American growers are dependent on migratory labor; that they could not get their crops harvested without the migrants. In effect, what these spokesmen are saying is that many American growers are dependent on a supply of socially and economically displaced people.

By the same token, the same grower spokesmen claim that thousands of growers would go out of business if the supply of Mexican braceros were cut off. The implication is that these growers are dependent on poverty and unemployment in Mexico—an economic situation which spawns hundreds of thousands of unemployed and/or low paid workers who are willing to migrate to the United States, to accept work on farms at substandard U.S. wages.

Such a system cannot continue unchecked indefinitely; and farsighted growers already realize this. Fred Bailey, testifying on behalf of the National Grange, described Public Law 78 as a "crutch," and advocated termination of the program as soon as possible.

Mr. President, the National Grange is widely respected. By no stretch of the imagination could it be regarded as radical or extreme. It is recognized for its great responsibility and for the fact that it has always very carefully and thoughtfully considered the interests of the producers—primarily, the agricultural commodity producers.

Mr. Bailey said:

The Grange does not believe that continued extensions of Public Law 78 are in the best interests of a majority of American farmers. We doubt that it is in the long run best interests of even a minority. Too many of us in agriculture have leaned far too long on Public Law 78 as a crutch—as an excuse for failure to take positive steps which would make the program unnecessary.

Reuben Johnson, testifying on behalf of the Farmers Union, which I understand is the second largest farm organization in America, got to the heart of the class system problem when he said:

It is our deep conviction that farm labor problems should not be singled out for separate and different treatment from other labor relations issues. These are principles equally correct and just as the goal of parity farm income for farm operator families. We do not think that a large majority of farmers favor a future for our Nation's agriculture that is built on a mud sill of poverty.

Mr. Bailey and Mr. Johnson, representing two of the most respected farm organizations in the country, do not believe that American agriculture must be dependent on a class system to survive. These men, as well as Mr. Van Dyke, believe that American agriculture is capable of finding essential solutions to its labor problems. The reliance of agriculture on the underprivileged of the United States and foreign countries is to a certain extent an excuse for avoiding labor problems rather than a solution to them. Only one National farm organization identified itself with the philosophy of those farm organizations which represent bracero users, and that was the American Farm Bureau Federation. This is an organization which

makes eloquent pleas to Congress to get the Government out of agriculture in order that the law of supply and demand may be restored to the marketplace, but insists in the continuance of Public Law 78—a Government program which interferes with the normal workings of the labor market.

We can understand the support given this program by those farm associations which represent bracero users, but it is difficult to understand why the American Farm Bureau Federation should stand alone as the only—and I stress the word "only"—organization to take this position. It purports to represent more than 1½ million farmers and testifies strenuously in favor of a program which is of benefit to only 2.1 percent of the growers in the United States.

The Farm Bureau often complains that agriculture is the victim of poor public relations. It seems to us that as long as growers advocate a class system in agriculture, as long as they advance the proposition that the State and Federal Governments owe them a supply of premium labor at cut-rate wages, they will continue to have a public relations problem.

American workers perform strenuous tasks in coal mines, steel mills, foundries, and in oil fields. They work on garbage trucks, in cesspools, under rivers as sand hogs, and in the boiler rooms of ships and factories. They perform heavy labor in industry and construction.

They would be available to perform the so-called "arduous" work in American agriculture if the wages offered and other conditions of employment were right. American working men are far less soft and far more capable than bracero-using growers, association managers, and the processing corporations representatives give them credit for—and they have a greater respect for the work of the harvest than those who describe such work as "nasty," "distasteful," "unpleasant," fit only for the dregs of the American labor force and the unemployed citizens of foreign countries.

EFFECT OF PUBLIC LAW 78 ON FARMERS WHO DO NOT USE FOREIGN LABOR

Mr. President, let me now stress the effect of the extension of this law on farmers who do not use foreign labor.

Representatives of organizations and associations whose members use Mexican labor testified before congressional committees that the majority of their members are small farmers. From this testimony—testimony presented by witnesses who have a special interest in perpetuating the bracero program—some Members of Congress have concluded that Public Law 78 is of inestimable help to the small farmer; indeed, that many small farmers would be forced out of business if the program were terminated.

The bracero program may be of short-run help to those small growers who use Mexican labor. It is questionable, however, whether the program is beneficial in the long run to these growers. Considerable evidence has been accumulated which shows that the availability of Mexican labor causes overproduction



and a resulting decline in the prices these small growers receive for their products. The large grower who is able to increase his acreage—usually at the expense of the small grower who has been forced out of business—is not affected by this decline in prices.

That is a very important point to stress, Mr. President, because the small grower, by definition, because he is small, is in a position in which it is extremely difficult for him to remain in business when prices are driven down. He does not have the capital to sustain losses for more than a year, 2 years, or 3 years. He goes out of business. But the big grower is able to stay in business, even though he is less efficient.

Furthermore, the bracero program is of no benefit whatsoever to the majority of family farmers who hire no labor at all—54 percent of all the farmers in the United States, and the overwhelming majority in my State of Wisconsin—or to those growers who hire domestic labor exclusively—over 40 percent of all the farmers in the United States.

Mr. President, approximately how many American farmers hire Mexican laborers? What proportion of them would be benefited by the program? The fact is that approximately 2 percent of all American farmers hire Mexican labor. No doubt there are small farmers among the 2 percent who hire Mexican labor, but compared to the overwhelming majority who do not, they constitute a minuscule minority, because the big farmers use the braceros. Because the small farmers operate small family-type farms, and because the work is done by the family on the farm or a local person who is willing to work temporarily, of course they do not get into expensive bracero programs that involve contracts with the Labor Department and considerable investigation. The small farmer is virtually excluded, and is adversely affected because the program means competition with farmers who hire such labor and results in driving his prices down, and driving the farmer out of business.

Furthermore, there is some doubt as to whether those small growers who do use Mexican labor are farmers in the real sense of the word. Fred S. Van Dyke, a California grower, explained it this way:

Professional spokesmen for bracero using associations have come before you [the Gathings subcommittee] and stated that the majority of their members are small growers who could not possibly survive without bracero labor.

Let us take, for example, associations of citrus growers, managers of which have testified before you in favor of the bracero system. The small citrus growers of southern California may be small, but they are not growers in any meaningful sense. They do not grow anything. They are a form of landlords. Instead of renting out apartments and office space for profit, they rent out orange and lemon trees. The tenant is the Sunkist Association.

And who does the labor for the Sunkist Association? On February 25, 1961, 1,880 of the 2,160 employees in the Ventura County lemon harvest were foreign contract workers, i.e., 87 percent. Since about 10 percent of the workers in any such harvest are foremen, checkers, truckdrivers—positions which

cannot be legally filled in California by braceros—we may conclude that Mexican nationals do virtually all the actual picking of lemons on the small farms of southern California.

These are the small farmers who claim they need Public Law 78. I say that it is time to call a halt to the phony farming that has emerged as an adjunct of the foreign contract labor system.

In most cases, the legal employers of Mexican nationals are labor contracting associations. It is the task of these associations to supply labor to their members whether they be growers or distributing and processing cooperatives or corporations. Often the grower does not even pay for the Mexican labor he is supplied with. For example, the following colloquy took place between Representative GATHINGS, chairman of the House Subcommittee on E.S. & M., and Fred G. Holmes, Labor Commissioner of the Great Western Sugar Co. and the Northern Ohio Sugar Co.:

Mr. GATHINGS. That money [cost to import a bracero to Montana and back to Mexico] comes out of the pocket of the farmer, is that not right?

Mr. HOLMES. The sugar companies advance the money and make what we call a mechanization charge to the grower. If the grower fully utilizes the labor, uses mechanical means to reduce the amount of labor, he makes no payment to the company, the company bears the entire cost of labor.

I repeat that, Mr. President:

The sugar companies advance the money and make what we call a mechanization charge to the grower. If the grower fully utilizes the labor, uses mechanical means to reduce the amount of labor, he makes no payment to the company, the company bears the entire cost of labor.

Mr. GATHINGS. It does not come out of the pocket of the grower at all?

Mr. HOLMES. No, it does not in this particular case.

Another colloquy between Chairman GATHINGS and Robert H. Ford of the National Pickle Growers Association brought out the same fact:

Mr. GATHINGS. Are the expenses of these Mexicans that come up to Michigan reimbursed—do you have to pay that to each grower, does the grower have to pay that?

Mr. FORD. The actual farmer does not, no sir. The Association does, the processors, and the Association ultimately winds up bearing that expense.

Spokesmen for several farm organizations have taken a dim view of this system. Reuben Johnson of the Farmers Union—an organization of family farmers—asked the Gathings Subcommittee to consider the effect of the Mexican national program on family operated farms:

We are concerned by the lack of information on the economic effect of large numbers of imported farm workers on family operated farms. We, therefore, urge you to provide for further study of the Public Law 78 program on our traditional pattern of family operated farms.

The fact is that if a large grower or processing corporation is able to obtain an unlimited quantity of labor for low wages, the labor performed by a farm operator and the members of his family on a small family farm becomes of equally low value.

Not only does importing the braceros and paying them very little not help American agriculture but also it hurts the overwhelming majority of American farmers. This fact has been brought to the attention of the Gathings committee many times. It has been brought to the attention of the Committee on Agriculture and Forestry, on which I serve. As yet, it has not struck home.

For this reason, I believe it is necessary to present in this report specific illustrations of how the importation of unlimited quantities of Mexican labor adversely affects small family operated farms.

Let us consider lettuce. The spring lettuce crop is grown in Arizona and California, largely with foreign labor, and in North Carolina, South Carolina, and Georgia exclusively with domestic labor. Over the past 6 years, production in the Western States has risen while production in eastern areas dropped.

Frequently during the debate a Senator has risen and said, "My State is not affected. We do not use braceros in our State. We do not hire Mexican labor." Yet the Senator says, "I favor the bill, because it benefits farmers elsewhere."

The fact is, as I have pointed out, that in the State of North Carolina, the State of South Carolina, and the State of Georgia the farmer is affected, but he is adversely affected. He is adversely affected because of competition from other areas of the country in respect to crops, which drives the prices down. Prices are driven down not only in Arizona and Texas, but also in North Carolina, Georgia, South Carolina, and other competing States.

Over the past 6 years production in the Western States has risen, while production in the eastern areas has dropped.

There has been a clear downward drift in average price for both the eastern and western crop. The average price per hundredweight for eastern lettuce declined 35 percent to \$3.88 for 1959 and 1960; the corresponding price for western lettuce went down 15 percent to \$3.50. It appears that the availability of foreign labor has contributed to lower returns for eastern farmers by overexpanding production and by enabling western growers to take over some of the markets formerly available to small farmers in the East.

Next let us consider strawberries. California growers have doubled their production of midspring strawberries for processing over the last decade, largely with the help of Mexican labor. U.S. production rose by about 20 percent and prices fell 18 percent. The five other States producing this crop in competition with California—Virginia, Kentucky, Tennessee, Arkansas, and Oklahoma—all of which use domestic labor for strawberries, have curtailed production sharply as prices fell.

The argument is made that the bracero program works to the benefit of farmers who cannot hire people to work on their farms to help them produce. The fact is that it may benefit certain large contracting associations in Texas and California, but in Virginia, Ken-



tucky, Tennessee, Arkansas, and Oklahoma strawberry production has dropped. Of course, the income of strawberry-producing farmers has been sharply reduced.

As for tomatoes, more than four-fifths of the California workers who harvest tomatoes for processing are Mexican workers. U.S. production of this crop averaged 3.8 million tons in 1959 and 1960, about 3 percent higher than in 1950 and 1951. California's annual production rose 0.5 million tons over this period while annual output in other producing States, which rely mainly on domestic labor, went down by about 0.4 million tons, nearly a half million. The U.S. average price to farmers dropped by about 12 percent.

Earlier today I had a very interesting colloquy with my good friend the very able and distinguished senior Senator from Florida [Mr. HOLLAND]. It was the contention of the senior Senator from Florida that in respect to these crops there is no price problem. He said:

We do very well. We do not suffer from the kinds of problems which plague agriculture with respect to which there has been so much governmental intervention.

The Senator was referring, of course, to price-support programs, and so forth.

The evidence I am now producing is a direct refutation of the assertion of the distinguished Senator from Florida.

The use of Mexican labor probably has a bearing on the disappearance of the family-scale farm and the concentration of production on the large-scale farm. The Census of agriculture of 1959 revealed that the number of large-scale farms, with a value of products sold at \$10,000 or more, increased more than one-third in the past 5 years, from 583,000 to 794,000. But meanwhile the number of medium- and small-scale commercial farms, the real family farms, on which the family does all the work, declined by more than 40 percent.

In other words, farms are becoming larger, with larger acreage and larger gross income, and there is a rapid disappearance of the small family farm.

One of the inevitable reasons is the fact that with regard to lettuce, strawberries, and tomatoes, in all of which the bracero program plays a very large part, the prices drop, and production is shifted from the States in which the family farmer was and is very largely supreme, to States where large corporation farming operation is prevalent.

It may be inevitable that the family farm type of operation must gradually disappear from the American scene. I vigorously disagree with that contention. I think if we give the family farmer in America—whether it is a dairy farm, vegetable farm, or a wheat farm—an equal opportunity so that he does not have to compete with imported, Government-subsidized low wages, he can do very well.

The family farmer in America is the most efficient economic unit, beyond comparison. That has been proved magnificently. If we compare the increase in efficiency in American agriculture, which is very largely still a family operation, with the increase in efficiency of our factories or the increase in the ef-

iciency of any other sector of American economy, we find that agriculture has done far better. The President's economic report of a year ago showed that the efficiency in productivity of agriculture had increased three times as fast as the general increase in productivity throughout America. The family farmer has done extremely well from the standpoint of efficiency.

What is the greatest difference between economic efficiency in this country and economic efficiency in Soviet Russia? It is not in our big factories, although we have an advantage in our labor productivity there. It is not in our marketing system, though that is very efficient, and I am sure has an advantage over the Russians. The really overwhelming advantage is that of American agriculture, the family farm, over the collectivized Soviet agriculture. This is where the decisive advantage is. Why? Because American family farming is efficient and productive, and it works. Nevertheless, the smaller farms are tending to dwindle and disappear because of this unfair kind of competition.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Wisconsin may yield, so that a veto message may be delivered to the Senate, without losing his right to the floor.

The PRESIDING OFFICER (Mr. PELL in the chair). Is there objection? The Chair hears none, and it is so ordered.

#### INCREASED RETIREMENT COMPENSATION OF CERTAIN FORMER MEMBERS OF METROPOLITAN POLICE FORCE, THE DISTRICT OF COLUMBIA FIRE DEPARTMENT, THE U.S. PARK POLICE FORCE, THE WHITE HOUSE POLICE FORCE, AND THE U.S. SECRET SERVICE—VETO MESSAGE (S. DOC. NO. 58)

The PRESIDING OFFICER (Mr. PELL in the chair) laid before the Senate the following message from the President of the United States, which was read, and, with the accompanying bill, referred to the Committee on the District of Columbia, and ordered to be printed.

#### To the Senate:

I return herewith, without my approval, S. 1528 "to increase the relief or retirement compensation of certain former members of the Metropolitan Police force, the Fire Department of the District of Columbia, the U.S. Park Police force, the White House Police force, and the U.S. Secret Service; and of widows and children of certain deceased former officers and members of such forces, department or service."

This bill is a reenactment of a similar proposal in the last Congress which President Eisenhower expressed disapproval of on September 24, 1959.

I find objectionable that portion of the bill which increases by 10% the annuities of certain former members of the Police, Fire Department, and Secret Service.

Already, as a result of the Equalization Act of 1923, which gives an automa-

tic proportionate increase in annuities whenever active duty policemen and firemen receive them, a significance number of these retirees now receive a larger pension than their annual salaries while on active duty. The record also indicates that this group is much more generously treated than other District government annuitants who are covered by other retirement programs. The proposal would compound the existing disparity and is inconsistent with essential objectives of fairness and impartiality to all employees.

The provisions of the bill affecting widows and surviving minor children of deceased policemen and firemen who retired prior to October 1, 1956, are a different matter. Their annuities were last adjusted in 1949, and, in the years since, this fixed income has diminished in value with each increase in the cost of living. S. 1918, which has passed the Senate, provides for an early increase in these annuities and I am hopeful that the House of Representatives will pass this bill promptly.

JOHN F. KENNEDY.

THE WHITE HOUSE, September 22, 1961.

#### MEXICAN FARM LABOR PROGRAM—CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. PROXMIRE. Mr. President, I wish to point out that if the Senator from Wisconsin had been interested in delaying a vote or in filibustering, it would have been easy for him to object to the request of the majority leader that the reading of the veto message be permitted.

I think the veto is the first, second or third of the few vetoes that President Kennedy has handed down. It would have been extremely interesting to hear the justification for the veto. However, I think it is necessary that we discuss the subject at hand because it is extremely important, and I believe that the merits of the bill should be discussed.

I also wish to call attention of the Senate to the fact that the discussion by all Senators on this subject has largely been germane and to the point. We are trying our level best to persuade our fellow Senators to see the wisdom of our position. We are not discussing extraneous subjects.

It seems to me that it is unfair that the small American family farm should disappear partly because the Government of the United States makes available to large-scale growers and processing corporations an unlimited supply of foreign labor at wage scales which undermine the value of labor furnished by the farm operators and members of their families. I believe the family farm operator should be given a fighting opportunity to survive. It seems to me that the conference report would damage the family farmer quite severely.



I come to one of the most significant aspects of the impact of the bill, and that is the effect of the extension of the bill on the American farmworker—not the farmer, but the farmworker. American farmworkers are among the most underprivileged in the Nation's labor force. It is estimated that there are 1,400,000 fully unemployed workers. The average earnings of agriculture workers are barely over \$1,000 a year. Farmworkers are excluded from minimum wage, unemployment insurance, and most workmen's compensation legislation. In addition, they are excluded from legislation which protects the rights of workers to organize into unions and to bargain with their employers. Each year approximately 400,000 American farmworkers are forced to migrate in order to avoid either low wages or unemployment at home. While on the road the migratory workers' lives are even worse, by reason of underemployment, low wages, poor housing, lack of education, lack of health and welfare services and, in some cases, unsafe, vehicles for transportation. The effect of Public Law 78 on these already down-trodden Americans is similar to the effect of a boot applied to the head of a person who, through no fault of his own, is already groveling in the dust.

Many Americans were deeply shocked by that most impressive documentary of the American Broadcasting System, "Harvest of Shame."

The plight of the American farmworker, the migratory worker particularly, is one that really touched the heartstrings of Americans. Earlier it was brought out by another Senator that the Nation in many ways is becoming more conservative. I think that may well be true.

I believe there is great merit in that position. Whether our Nation is becoming more conservative or less conservative, I believe that once Americans can see a gross injustice—and certainly the treatment of the American migratory farmworker is gross injustice—all Americans, whether they are conservative or liberal, Democrat or Republican, business people or laboring people, of high income or low income, will feel that this injustice should be corrected and rectified. On the basis of all the documentation we have, and the magnificent work that has been done by the junior Senator from New Jersey [Mr. WILLIAMS] and the junior Senator from Minnesota [Mr. McCARTHY], who spent many months investigating this situation and have made their position clear on the floor, there is no question that this gross injustice exists in America.

Rev. William E. Scholes, western field representative, Division of Home Missions of the National Council of Churches, gave the following testimony before the House Subcommittee on Equipment, Supplies, and Manpower:

Some time ago, our staff made an informal study of the needs of migrant workers. We always ask one question, which is important to us, and it is: "What can we best do to help?" We thought that the answer might come that: "You could encourage the school system to help our children with their studies," or something of this nature.

Instead, almost invariably high on the list of what we could do was to help them

get some of the jobs back that the braceros had taken from them.

Assistant Secretary of Labor Holleman has stated:

It is not in the public interest for Government to interpose itself in the farm labor market to guarantee a labor supply to employers whose refusal to adjust wages, working conditions, or personnel practices creates artificial labor shortages.

For 9 months in 1959, four consultants studied the effects of Public Law 78 on domestic farmworkers at the request of former Secretary of Labor, James P. Mitchell. These men conducted their investigations not only in Washington, D.C., but in all the areas where Mexican nationals are employed. They conferred with farm employers, domestic migrants, braceros, government officials, and others close to or directly concerned with the Mexican farm labor program.

The four men who reported to the Secretary of Labor on this subject were certainly not radicals, extremists, or crusaders. They are sound and able men.

The four men who reported to the Secretary of Labor on this problem were: Ex-Senator Edward J. Thye of Minnesota, one of the men who helped write Public Law 78; Rufus B. Von Kleinsmid, chancellor of the University of Southern California and ex-president of the University of Arizona; Glenn E. Garrett, executive director of the Good Neighbor Commission and chairman of the Texas Council on Migratory Labor; and Msgr. George C. Higgins, social action director of the National Catholic Welfare Conference.

These distinguished Americans, from varied backgrounds and varied points of view, arrived at the unanimous conclusion that the Mexican farm labor program was undermining the already deplorable economic condition of American farmworkers.

These four men were men of outstanding distinction and fairness, men who were looking for answers, not from the standpoint of any political advantage, but because they wanted to get the most honest and fair answers they could get; and they came to the unanimous conclusion that the Mexican farm labor program was undermining the already deplorable economic condition of the American farmworkers.

Evidence accumulated by the Department of Labor supports the conclusion reached by the four consultants.

#### WAGES

A vast amount of evidence accumulated by the Department of Labor proves conclusively that the importation of Mexican labor has had a definite adverse effect on the wages offered to American labor. The following facts, based on wage surveys made by the Labor Department's Bureau of Employment Security and compiled for this report at our request are to the point:

First. Hourly wage rates reported to the U.S. Department of Agriculture rose about 14 percent from 1953 to 1959, but Labor Department surveys showed that wages in most areas and activities employing Mexicans remained relatively stable. Fifty percent of the studies showed no significant change in rate,

from earlier to later years within this period, 32 percent showed an increase, and 18 percent showed a decline. Declines would not be expected to occur in labor shortage situations.

Second. In 43 percent of the cotton harvest wage surveys in Mexican-using areas compared within the 1953-59 period, wage rates remained stable; and in 32 percent declines were reported. A study of 1960 trends shows that in 57 percent of the cotton harvest wage surveys in important Mexican-using areas wage rates remained the same as in 1959, while 28 percent declined. Most Mexican nationals are employed in the cotton harvest.

In some sections of Arizona, wage rates in the cotton harvest have remained virtually unchanged from 1953 to 1960, and in other areas of the State, cotton wage rates have dropped 50 cents per hundredweight.

In Mississippi County, Ark., wage rates for cotton picking were virtually unchanged from 1953-60, despite the fact that the USDA hourly rate for the State as a whole rose 28 percent. This area uses 11,000 Mexican braceros.

Phillips County, Ark., had an hourly cotton chopping rate for domestic workers of 30 cents in June 1954. Although the average rate in June 1960 was 37 cents, rates as low as 30 cents were still being paid. Mexicans are paid contract rates of 50 cents. The USDA average hourly rate for Arkansas was 69 cents in July 1960.

In Texas and Arkansas widespread declines occurred between 1959 and 1960 in cotton harvest rates—pulling in Texas and picking in Arkansas. Typically, the decline was from \$1.75 to \$1.50 per hundredweight in pulling—Mexicans are paid the contract rate of \$1.55—and from \$3 to \$2.50 per hundredweight in picking. A notable exception resulting from Department of Labor action under earning policies, occurred in the Lower Rio Grande Valley, where the picking rate rose from \$2.30 to \$2.50. But this followed a period of several years in which there had been no change in rate until 1959, when, also by virtue of Labor Department action, the rate rose from \$2.05 to \$2.30.

Third. In the Imperial Valley of California, wage rates remained unchanged at 70 cents an hour between 1951 and 1959. Recently the average hourly rate has increased to 90 cents an hour. Nevertheless, this rate is about 35 cents below the average for the State as a whole. The Imperial Valley is a bracero-dominated area.

This is just some of the evidence accumulated by the Department of Labor. There is much more. For example, Department of Labor studies have shown that growers who hire foreign labor pay lower wage rates to the Americans they hire than growers who hire American labor exclusively. Even more important, the Labor Department has found that braceros are employed at approximately 20,000 skilled, semiskilled, and year round occupations.

Some persons have argued that we must engage in substantial Government projects, that we have to run a substantial Federal deficit. Others have argued











13. CIVIL DEFENSE. Passed without amendment H. R. 8383, to amend the Federal Civil Defense Act so as to ratify retroactive financial contributions made to States for civil defense purposes. This bill will now be sent to the President. pp. 19454-5
14. SOIL AND WATER RESEARCH. Sen. Mansfield stated that he had been advised by Secretary Freeman that "the very severe drought which has plagued the northern Great Plains region in recent months has caused the Department to review its program of soil and water conservation research and has determined that the proposed Northern Great Plains Regional Center at Sidney, Mont., should be given priority in its planning program." Sen. Mansfield stated that "We anticipate the construction on this project will be included in the Department of Agriculture's fiscal year 1963 program," and inserted several items on this matter. pp. 19438-9
15. COTTON. Sen. Tower stated that "it would be a grave mistake to even consider reducing the acreage allotment for cotton for next year. A cursory examination of the facts leads one to the inescapable conclusion that the 1962 acreage allotment must be increased," and urged others to join him in petitioning the Secretary of Agriculture to increase the 1962 cotton acreage allotment. pp. 19444-5
16. PUBLIC WORKS APPROPRIATION BILL, 1962. Began consideration of this bill, H. R. 9076. pp. 19455-6
17. FORESTRY. Sens. Symington and Long, Mo., urged enactment of legislation to provide for the establishment and development of the Ozark Rivers National Monument, Mo., under the jurisdiction of the National Park Service, which would include national forest lands, and inserted several items regarding this matter. pp. 19503-6
18. RESEARCH. Sen. Humphrey inserted a letter from Dr. Alan T. Waterman, Director, National Science Foundation, providing "an authoritative and well-rounded statement as to where we stand and where we should be moving in support of basic research." pp. 19539-44

HOUSE - SEPT. 23

19. APPROPRIATIONS. Conferees were appointed on H. R. 9076, the public works appropriation bill. p. 19680
20. VIRGIN ISLANDS. Agreed to the conference report on H. R. 4750, to increase the borrowing authority of the Virgin Islands Corporation. This bill will now be sent to the President. p. 19644
21. TARIFFS. Rep. Monagan discussed his bill H. R. 8850, to adjust conditions of competition between domestic and foreign industries by amending the Trade Agreements Act, and said, "we can no longer build around the United States a Chinese wall of tariffs and exclusionary restrictions." pp. 19645-8
22. ADJOURNED until Mon., Sept. 25. p. 19692

SENATE - SEPT. 23

23. FARM LABOR. By a vote of 41 to 31, agreed to the conference report on H. R. 2010, the Mexican farm labor bill. This bill will now be sent to the President. (pp. 19694-704) As agreed to the bill includes provisions as follows: Extends



the program for 2 years, until Dec. 31, 1963. Prohibits workers recruited under the program from being made available in any area unless reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to Mexican workers. Prohibits the employment of workers recruited under the program for other than temporary or seasonal occupations or to operate or maintain power-driven, self-propelled harvesting, planting, or cultivating machinery, except when authorized by the Secretary of Labor to avoid undue hardship. Prohibits the employment of Mexican workers for processing activities relating to horticultural employment, cotton ginning, compressing, and storing, crushing of oilseeds, and the packing, canning, freezing, drying, or other processing of perishable or seasonal agricultural products. Incorporates in the basic act provisions now carried in the Labor-HEW appropriation act requiring employers of Mexican workers to reimburse the U. S. for essential expenses incurred by it under the program, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker.

24. PERSONNEL. Both Houses agreed to the conference report on H. R. 7377, to increase the limitation on the number of supergrades and research and development positions of scientists and engineers for which special rates of pay are authorized (by a vote to 223 to 71 in the House). This bill will now be sent to the President. pp. 19628-32, 19767-8
25. PUBLIC WORKS APPROPRIATION BILL, 1962. Passed with amendments this bill, H. R. 9076 (pp. 19714, 19721-34, 19739, 19749-56). Conferees were appointed (p. 19756).
26. NOMINATIONS. Confirmed the nomination of Fowler Hamilton to be Administrator of the Agency for International Development. p. 19714
27. FARM LABOR. Sen. Randolph stated that a recent newspaper article stating that it was difficult to recruit unemployed workers to pick apples in W. Va. "was an oversimplification which did not reflect in sufficient degree the various elements of the problem involved." He also inserted an article stating that the Governor of W. Va. has reconstituted the State interdepartmental committee on migratory labor. pp. 19704-5
28. LAND CLASSIFICATION. Received a letter from Interior reporting that an adequate soil survey and land classification has been made of the lands to be served by the Sly Park unit, Central Valley project. p. 19705.
29. FISH FLOUR. Sen. Saltonstall inserted an address by George McGovern discussing the possible use of a new product, fish flour, in the foreign aid program to help feed the peoples of underdeveloped nations. pp. 19717-8
30. AGRICULTURE. Sen. Javits inserted his annual report on the first session of the 87th Congress which said in part, "Two major pieces of farm legislation were enacted by the Congress during this session ... I strongly opposed both these measures." pp. 19735-9
31. CONVENING OF CONGRESS. Passed without amendment S. J. Res. 144, to provide that the second session of the 87th Congress shall meet on Wed., Jan. 10, 1962. p. 19758
32. PERSONNEL. Agreed to the conference report on S. 739, to remove the present requirement, contained in the Pay Act of 1960, that ASC county committee



H.R. 9419. A bill to amend the Internal Revenue Code of 1954 to require the owner of an apartment building or other multifamily structure to establish and utilize a repair, replacement, and maintenance reserve as a condition of the allowance of a depreciation deduction with respect to such structure; to the Committee on Ways and Means.

By Mrs. CHURCH:

H.R. 9420. A bill to authorize the Secretary of the Navy to sell water from the U.S. Naval Air Station, Glenview, Ill., to supply the Glenbrook South High School, Glenview, Ill.; to the Committee on Armed Services.

By Mr. DONOHUE:

H.R. 9421. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for one-half of the expenses incurred by him in the construction of a civil defense shelter of approved type and design; to the Committee on Ways and Means.

By Mrs. DWYER:

H.R. 9422. A bill to amend the National Housing Act to provide specific authority for the insurance by the Federal Housing Administration, under its home improvement loan programs, of loans for the construction of civil defense shelters; to the Committee on Banking and Currency.

H.R. 9423. A bill to amend the Internal Revenue Code of 1954 to allow a taxpayer a deduction from gross income for expenses incurred by him in the construction of a civil defense shelter of approved type and design; to the Committee on Ways and Means.

By Mr. FOGARTY:

H.R. 9424. A bill to amend title II of the Social Security Act to provide that the child of an insured individual may receive child's insurance benefits even though he has attained age 18 if he is under 21 and is a full-time student attending a college or university; to the Committee on Ways and Means.

By Mr. JOHNSON of California:

H.R. 9425. A bill to amend paragraph 757 of the Tariff Act of 1930 with respect to brazil nuts; to the Committee on Ways and Means.

By Mr. GUBSER:

H.R. 9426. A bill to provide for the termination of programs of price support for agricultural commodities by December 31, 1966; to the Committee on Agriculture.

H.R. 9427. A bill to provide for the denial of passports to persons knowingly engaged in activities intended to further the international Communist movement; to the Committee on Foreign Affairs.

H.R. 9428. A bill to create the Freedom Commission for the development of the science of counteraction to the world Communist conspiracy and for the training and development of leaders in a total political war; to the Committee on Un-American Activities.

By Mr. HARRIS:

H.J. Res. 586. Joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; to the Committee on the Judiciary.

H.J. Res. 587. Joint resolution proposing an amendment to the Constitution of the United States; to the Committee on the Judiciary.

By Mr. MOORE:

H.J. Res. 588. Joint resolution to create a Federal Commission on the Construction of School Fallout Shelters; to the Committee on Education and Labor.

By Mr. WHALLEY:

H. Con. Res. 400. Concurrent resolution requesting the President to set aside and proclaim a National Country Music Week; to the Committee on the Judiciary.

## PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. Mr. BOW:

H.R. 9429. A bill for the relief of Edward R. Place; to the Committee on the Judiciary.

H.R. 9430. A bill for the relief of Basilio King; to the Committee on the Judiciary.

By Mr. BROYHILL:

H.R. 9431. A bill for the relief of Ourania Hondros; to the Committee on the Judiciary.

H.R. 9432. A bill for the relief of Wilfredo Spatenka; to the Committee on the Judiciary.

By Mr. McFALL:

H.R. 9433. A bill for the relief of Alajandro B. Catli; to the Committee on the Judiciary.

By Mr. CLEM MILLER:

H.R. 9434. A bill for the relief of Richard W. Hoffman; to the Committee on the Judiciary.

By Mr. MILLER of New York:

H.R. 9435. A bill for the relief of Mrs. Marianna Martino Paviglianiti; to the Committee on the Judiciary.



# Senate

SATURDAY, SEPTEMBER 23, 1961

The Senate met at 9 o'clock a.m., and was called to order by the Vice President.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

God of the ages, whose help we seek for today's duties, it undergirds us with confidence to know that to every scene life brings, our strength depends, not just on our frail hold of Thee, but on Thy mighty grasp of us, for Thou seekest us with patient, haunting pursuit.

Confront us, we pray, with the solemn reality that in the last resort, everything depends on the faith that our own life, all its difficulties and problems of our own life, its self-denials, its triumphs and failures, all have a place in the final mosaic of Thy great plan and that even in the experiences that disturb us most, love almighty is in control and there is a hand that guides.

In that sure confidence send us forth into the uncertain days ahead with the triumphant assurance the Lord is our light and our salvation; though an host encamp against us our hearts shall not fear; though war should rise against us even then will we be confident. Guide us, O Thou great Jehovah, that we may be the dedicated messengers of peace.

Grant us peace with freedom and justice in our time, O Lord.

We bring our prayer in the Redeemer's name. Amen.

## THE JOURNAL

On request of Mr. MANSFIELD, and by unanimous consent, the reading of the Journal of the proceedings of Friday, September 22, 1961, was dispensed with.

## MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States, submitting nominations, were communicated to the Senate by Mr. Miller, one of his secretaries.

## MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Maurer, one of its reading clerks, announced that the House had passed the following bills, in which it requested the concurrence of the Senate:

H.R. 2147. An act for the relief of Kenneth Stultz;

H.R. 2969. An act for the relief of Gene H. King;

H.R. 3487. An act for the relief of Louis C. Wheeler;

H.R. 3710. An act for the relief of Giles L. Matthews;

H.R. 4365. An act for the relief of Sp5c. Daniel J. Hawthorne, Jr.;

H.R. 5139. An act for the relief of Helena M. Grover;

H.R. 5181. An act to amend Private Law 85-699;

H.R. 6938. An act for the relief of Dr. Robert E. Hiller;

H.R. 8099. An act to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, so as to remove the limitation on the maximum capital of the general supply fund;

H.R. 8100. An act to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, relative to the general supply fund;

H.R. 8204. An act for the relief of Mr. and Mrs. Harley Brewer;

H.R. 8269. An act for the relief of Dr. Walter H. Duisberg;

H.R. 8325. An act for the relief of Harrison Thomas Harper;

H.R. 8779. An act for the relief of George B. Olmstead; and

H.R. 8798. An act to amend section 7 of the Administrative Expenses Act of 1946, as amended.

## HOUSE BILLS REFERRED

The following bills were severally read twice by their titles and referred as indicated:

H.R. 2147. An act for the relief of Kenneth Stultz;

H.R. 2969. An act for the relief of Gene H. King;

H.R. 3487. An act for the relief of Louis C. Wheeler;

H.R. 3710. An act for the relief of Giles L. Matthews;

H.R. 4365. An act for the relief of Sp5c. Daniel J. Hawthorne, Jr.;

H.R. 5181. An act to amend Private Law 85-699;

H.R. 6938. An act for the relief of Dr. Robert E. Hiller;

H.R. 8204. An act for the relief of Mr. and Mrs. Harley Brewer;

H.R. 8269. An act for the relief of Dr. Walter H. Duisberg;

H.R. 8325. An act for the relief of Harrison Thomas Harper; and

H.R. 8779. An act for the relief of George B. Olmstead; to the Committee on the Judiciary.

H.R. 5139. An act for the relief of Helena M. Grover; to the Committee on Finance.

H.R. 8099. An act to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, so as to remove the limitation on the maximum capital of the General Supply Fund;

H.R. 8100. An act to amend section 109 of the Federal Property and Administrative Services Act of 1949, as amended, relative to the General Supply Fund; and

H.R. 8798. An act to amend section 7 of the Administrative Expenses Act of 1946, as amended; to the Committee on Government Operations.

## MEXICAN FARM LABOR PROGRAM— CONFERENCE REPORT

The Senate resumed the consideration of the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 2010) to amend

title V of the Agricultural Act of 1949, as amended, and for other purposes.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time to be allocated under the unanimous-consent agreement entered into yesterday be in charge of the Senator in charge of the conference report [Mr. JORDAN] and the Senator from Wisconsin [Mr. PROXMIRE], each of whom will have half of the time.

The VICE PRESIDENT. Without objection, it is so ordered.

Mr. MANSFIELD. I wish that one of the two Senators would allow me one-half minute at some time during the hour, in order to make a unanimous-consent request about another matter.

Mr. JORDAN. Mr. President, I yield now to the Senator from Wisconsin, if he wishes to proceed.

Mr. PROXMIRE. I shall take part of my time now, but I should like to conclude at the end of the time for debate, since I am in opposition to the conference report.

Mr. President, at this time I yield myself 10 minutes.

The VICE PRESIDENT. The Senator from Wisconsin is recognized for 10 minutes.

Mr. PROXMIRE. Mr. President, we have completed nearly 2 days of debate on the conference report on H.R. 2010.

The motion to table the conference report and to take up the problem again early in the next session failed by a small margin.

This morning we shall vote either to accept or to reject the report. If it is rejected, there will be a motion to send the measure back to conference and a chance to include the McCarthy amendment, which was approved on the floor of the Senate when we considered the bill. I support this action.

The distinguished Senator from North Carolina [Mr. JORDAN], who is in charge of the conference report, has told us frankly of the principal problem. He said:

The conferees on the part of the Senate did speak in behalf of the Senator's amendment. There was considerable discussion in favor of it. The House conferees absolutely would not take any of it. They did recede on several points. However, they said, "This is it, or there will be no migratory labor bill this year, because we are not giving in on this point, and we will not yield on it on the House floor, either."

The issue is not whether the will of the Senate or the will of the House should prevail. The issue is whether the Senate version is a better and more equitable measure than that approved by the House and the conference.

In my judgment it is.

The Senate version with the McCarthy amendment is a very moderate and reas-



onable proposal. It represents only the minimum of what the Secretary of Labor and the administration had asked in order to administer this program responsibly.

The administration proposals were cut down and compromised by the Senate committee before the bill was reported on the floor.

Secretary Goldberg had asked for authority to limit the number of braceros who could be assigned to any one employer, when this is necessary to assure active competition for jobs. He did so because there are crops and areas where the percentage of Mexican workers is so high that there is no effective way to determine the prevailing wage. This amendment was given up.

The Secretary also asked for an important amendment which would have required employers who obtain Mexican workers to offer and to pay domestic workers benefits reasonably comparable to those offered braceros.

Under the international agreement with Mexico, Mexican nationals coming to work in our country are guaranteed a number of benefits which domestic migratory workers usually do not enjoy.

First. Mexicans are guaranteed work for three-fourths of the contract period.

Second. Mexicans are given free subsistence when underemployed.

Third. Mexicans are provided with free housing.

Fourth. Mexicans are provided free medical care for on-the-job injuries.

Fifth. Basic transportation costs are provided free for Mexicans.

Sixth. Mexicans are guaranteed the right to adjust grievances through their own representatives and government officials.

Seventh. Mexicans are provided non-occupational health and accident insurance at reasonable costs.

Eighth. Mexicans are guaranteed a wage of at least 50 cents per hour.

This amendment, which would have provided domestic workers employed by a grower also using Mexican nationals comparable benefits, was given up. A modified version of it offered by the Senator from New York [Mr. KEATING] was defeated on the floor.

The third major amendment requested by Secretary Goldberg would require growers to offer Mexicans the average hourly farm wage in the State or the Nation, whichever is the lesser, in steps of 10 cents per year. This amendment was modified by Senator McCARTHY, when he offered it on the floor so as to provide that growers must offer Mexicans 90 percent of the average hourly farm wage of the State or Nation, whichever is the lower.

The McCarthy amendment was carried on the floor, but was eliminated in the conference.

It is true that two minor amendments were retained: one, prohibiting braceros to operate self-propelled planting, cultivating, and harvesting machinery; and the other, limiting them to work of a seasonal or temporary nature. But the major amendments—those which would provide some safeguard for domestic workers and prevent adverse effect on

their wages, job opportunities, and conditions of work—are gone.

I believe the conference report should be rejected and the conferees should be instructed to insist on the wage amendment.

In commenting on the action of the Senate Committee on Agriculture in reporting H.R. 2010 without the wage amendment, Secretary Goldberg stated:

This provision is the keystone of the administration's reform requests.

I should like to read a paragraph from the Secretary's letter on this point:

We do not believe that the bill as reported by the committee reaches the basic problems which stem from the large-scale use of Mexican workers, that is, the adverse impact that their employment has on wages, conditions of employment, and employment opportunities of our own workers. The committee's failure to accept your amendment which would require growers using Mexican labor to pay them the average farm wage of their particular State or of the Nation, whichever is lower, is much to be regretted. This provision is the keystone of the administration's reform requests. As you know, the effect of the Mexican program in many areas has been to place a ceiling on the wages offered to U.S. workers, at the wage level at which Mexican workers are made available. Where an ample supply of workers (Mexicans) are available at 50 cents per hour, for instance, employers do not voluntarily offer to pay higher wages. The consequence of this system is that it has established a wage ceiling for U.S. workers often at only 50 cents per hour. In many areas using a significant number of Mexican workers this wage ceiling has remained frozen at this level for 10 years, as the direct result of the Mexican labor program. This is the fundamental vice of the present Mexican labor program and the committee bill, H.R. 2010, does nothing to correct it.

Mr. President, yesterday it was pointed out that in area after area farm wages have increased over the last 10 years, but that wherever braceros are used there is a consistent pattern for farm wages to remain stationary, or in many cases to decline.

The conference report eliminates the keystone provision that would have improved braceros minimum wages and lessened the punishing competition of low wage Mexicans with American citizens who do migratory labor. For that reason I recommend that the report be rejected, and that the bill be sent to a further conference.

Incidentally, Mr. President, in view of the statement of the administration that the law should not be extended unless significant reforms are made, it seems to me the President is in a position where he may have no choice except to veto this measure if it is passed in its present form.

There is general agreement that the economic and social problems of migratory workers are among the worst of any group in the Nation. Their serious and difficult problems have been increased by the operation of the Mexican farm-labor program. So approximately 550,000 domestic migratory workers and their families—some 2 million persons, in all—have had to compete, as regards jobs and wages, with from 300,000 to 400,000 Mexican nationals. That makes

no sense. Unemployment is very serious on the farms; there are 1,400,000 farm-workers out of work. Mr. President, of all the times for us to proceed to extend the program of importing Mexican braceros to compete with domestic migratory workers, it seems to me this is the very worst.

Mr. President, I reserve the remainder of the time under my control.

Mr. JORDAN. Mr. President, in the beginning, I wish to state that when the Mexican farm labor bill came up in the Committee on Agriculture and Forestry, it was the same bill which was reported and passed by the House, an extension of Public Law 78, which has been on the books for a number of years. The House had passed the bill before it came to the Senate Agriculture and Forestry Committee in just exactly the same form in which it had been reported by the House, leaving the law as it is now on the books, with the exception that the law was extended for 2 years.

I may say at this time that this is a committee bill. I did not originate the bill. It came before the committee and was referred to the subcommittee of which I was chairman, and we held hearings on it. We felt the bill did not go far enough, and should be revised to make it more restrictive and give more protection, not particularly to migratory laborers from Mexico, but to American laborers.

We held hearings for a number of hours on it, and heard a good deal of testimony. The committee finally agreed on a bill which we thought was all we could get the House to take, because the bill had passed the House by a good majority, and it had said it was all the House was going to take. We do not always have to accept such statements on the part of the House, but we consulted with many Members of the House, agricultural workers, and persons representing agricultural agencies all over the country, in an effort to work out something we thought we could pass and get the House to accept.

Every person in every segment of the agricultural economy with whom I discussed this issue, where Mexican migratory labor is used, said it was absolutely imperative that the program not end on December 31st. They said it would be a calamity for the farm industry, in areas where a large number of braceros are used, to let the program die, because, if it were not renewed until January, as has been proposed here, the Mexican nationals would have to be sent to Mexico. That is expensive. Then they would have to be returned after the law was enacted in whatever form it was enacted.

In addition to that, large farmers, as well as small farmers, have to make arrangements to finance their future crops. When they go to banks, or whatever lending agencies they use, to arrange financing, one of the first things the borrowers have to show the lenders is that they can get sufficient help to plant, harvest, and dispose of the crops. Without that assurance this fall, it will be difficult for the farmers to finance their crops.



As I stated before, this program does not affect my State. It affects very few of the Southern States. Most of the migratory labor from Mexico is used in California, Texas, Arizona, Arkansas, New Mexico, Michigan, and other States which produce large fruit and vegetable crops.

There has been a great deal of talk about cotton planting. I wish to inform the Senate that cotton planting has virtually ceased to be a hand crop. Virtually all of the large farming operations, particularly in Texas, California, and Arizona, where the major portion of the cotton in that area of the United States is grown, use machines to pick cotton. Practically none of it is picked by hand any more.

Also, sprayers are used to get rid of weeds. There is little hand weeding done, what we call chopping. Power sprayers are used to get rid of weeds. So there is very little hand labor used in cotton farming there.

I am told that Americans just are not available to do the stoop labor involved in fruit and vegetable crops. Farmers tell me they would prefer to have American workers, but they simply cannot get enough domestic labor to harvest and handle the crops.

The law extended by the bill involved in the conference report, on which the Senate will soon vote, provides that the migratory domestic laborer must be offered wages comparable to those paid braceros, and the agreement with Mexico provides that braceros must be paid wages comparable to those paid to domestic migratory workers. Those two categories are made equal. That will continue to be the situation.

Nobody has greater sympathy for the migratory American workers than the members of the Agriculture Committee or the conference committee, but we do not think defeating the bill would improve their situation. The testimony I heard was that no employer of labor would want to pay the cost of bringing workers in from Mexico if American workers were available. In addition to the transportation costs, the farmer must pay for insurance and meet other special requirements of the program.

Much has been said about the difference in coverage for the Mexican as compared with the American migratory worker. There is a difference. The difference is that the migratory American workers usually go to the farms with their families. A great many do. Some use trailers. Some use cars. Some come from the neighborhood. Some come from the next county. Some come from out of the State.

Mexicans are brought into this country under contracts, and they have to perform a certain amount of work, stay at a certain place, and work so many hours or days, or be returned to Mexico. Contracts are not made with American migratory workers, because they are free to come and go as they please, and work as many or as few hours as they please. So it would be difficult to make the same arrangements for American migratory workers as are made for Mexican migratory workers.

Another factor is that the Mexican migratory workers who come into this country are single persons and all are male. They are put in dormitories, which can house a great number of them. State laws protect them. The same State laws that protect Mexican migratory workers protect American migratory workers as to housing, sanitation, and so forth. The farmers in the States that use large numbers of Mexican migratory workers, follow the State laws. I am certain of that.

The sole interest of the Committee on Agriculture and Forestry, of which I am a member, was to bring out a bill we thought would improve the old situation, the Mexican migratory labor law, Public Law 78, make it more restrictive, make it a better law, protect the American worker to a greater extent, and at the same time provide for bringing in seasonal workers under the program covered by the bill. The bill specifically states that only seasonal workers are covered. The bill provides that the migratory workers must not operate power-driven machinery, which the old law did not spell out. There were several other provisions in the bill which improved the old law.

We did not think the House would accept the McCarthy amendment. Quite a little has been said about the length of time the conferees used to try to bring this bill back to the Senate. I point out that the chairman of the Committee on Agriculture and Forestry, the Senator from Louisiana [Mr. ELLENDER], was on the conference. Mr. OLIN JOHNSTON, the Senator from South Carolina, was on the conference. Mr. SPESSARD HOLLAND, the Senator from Florida, was on the committee. I was on the committee. Mr. GEORGE AIKEN, the Senator from Vermont, was on the committee. Mr. MILTON YOUNG, the Senator from North Dakota, was on the committee. Mr. BOURKE HICKENLOOPER, the Senator from Iowa, was on the committee. Those men sincerely tried to bring back the very best bill they could.

We held out for everything the House would accept. We did not see any reason for sitting across the table, talking to each other, one side saying "No," the other side saying "Yes," and the first side saying "No," and so forth. When it became apparent the House conferees absolutely would not accept the McCarthy amendment, we got them to take everything they would and brought the bill back to the Senate.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. JORDAN. I yield to my distinguished friend from Florida.

Mr. HOLLAND. Is it not a fact that the McCarthy amendment passed the Senate with a majority of only one?

Mr. JORDAN. The Senator is correct. That was the final vote relative to the McCarthy amendment.

Mr. HOLLAND. Is it not a fact also that the House committee had refused to put a similar provision in the bill, and that the effort to put a similar provision in the bill in the House failed dismally, without even a close vote or anything of the sort?

Mr. JORDAN. That was what we understood, even before we went into the conference.

Mr. HOLLAND. Is it not true also that most of the conferees of the Senate have no direct or personal interest, so far as their States are concerned, in the problem?

The Senator from Louisiana [Mr. ELLENDER] the Senator from South Carolina [Mr. JOHNSTON], the Senator from Florida, who is speaking, the Senator from North Carolina, the distinguished chairman of the subcommittee [Mr. JORDAN], and, on the other side of the aisle the Senator from Vermont [Mr. AIKEN], at least, have no connection whatever with the Mexican problem insofar as their own areas are concerned. Is that not correct?

Mr. JORDAN. I believe the Senator from North Dakota [Mr. YOUNG] comes from a State which uses very few, if any, Mexican workers.

Mr. HOLLAND. I was going to conclude with another suggestion. Is it not true that the two other Senators in the conference, the Senator from Iowa [Mr. HICKENLOOPER] and the Senator from North Dakota [Mr. YOUNG], have only a most remote interest in the problem, in that only a few of the Mexican workers ever get to their States?

Mr. JORDAN. The Senator is correct. As the Senator from Florida knows, the Senator from Iowa [Mr. HICKENLOOPER] and the Senator from North Dakota [Mr. YOUNG] both objected to the form of the provision about the operation of machinery. They worked out an agreement, which was finally accepted by both sides and included in the bill we brought back to the Senate, to make more restrictive the language as to the use of machinery. They said there was some abuse, with Mexicans using power-driven machinery, whereas American labor could be hired, at a much better wage, for that type of work.

Mr. HOLLAND. Is it not true that the Senator from North Dakota [Mr. YOUNG] very specifically took the position in the committee and also in the conference that whenever there was any job which required skilled labor, such as the operation of a complicated or dangerous machine, the position ought to be filled by an American laborer, since there always is an opportunity to obtain American labor to handle the equipment; and that the Mexican labor should not be permitted to handle it both for that reason and because of the general lack of skill of Mexican workers in such matters?

Mr. JORDAN. The Senator is correct. I thank the Senator.

Mr. HOLLAND. I thank the Senator from North Carolina.

Mr. JORDAN. Mr. President, how much time do I have remaining?

The VICE PRESIDENT. The Senator has 15 minutes remaining.

Mr. PROXMIRE. Mr. President, I yield myself 5 additional minutes.

The VICE PRESIDENT. The Senator from Wisconsin is recognized for 5 minutes.



Mr. PROXMIRE. Mr. President, if the extension of the law is delayed—if the passage of the bill is delayed until January—there will be, in our judgment, a negligible effect upon the farmers. There will be a negligible effect upon the farm economy. That is not merely an assertion on the part of the proponents of the McCarthy amendment on the Senate floor, but it is based upon a very careful study by the Secretary of Labor.

Public Law 78 was enacted in 1951 to ease a temporary labor shortage. There was a labor shortage. Now there are over 1 million agricultural workers out of work. There is heavy unemployment in the agricultural sector of our economy. Obviously, the need to alleviate a labor shortage has passed.

The law has been extended four times. Now the Congress is asked to extend it for another 2 years, without any substantial reform, and despite testimony concerning its adverse effect.

According to official Government figures the Mexican farm labor program is used by only about 50,000 growers, fewer than 2 percent of American farmers. In 1960, about 70 percent of the braceros were used by the growers in two States, Texas and California. Five other States employ 3,000 or more Mexican workers.

Mr. President, during the 10-year history of the Mexican labor program, it has expanded rapidly. Fewer than 200,000 were under contract in 1951 and 1952, but by 1956 the number had risen to 445,197. Employment continued above 430,000 annually through 1959. In 1960 the number dropped to 315,846 largely because of the increased mechanization of cotton production. During this same period of a steady increase and expansion in the bracero program, the total number of U.S. workers employed on farms steadily declined. That number was 9.5 million in 1951, and dropped to 7 million in 1960. Unemployment and underemployment developed as a serious rural problem.

During the 10-year history of Public Law 78 the wages paid to domestic agricultural workers for activities in which the Mexican workers have also been employed have generally remained low. While the average farm wage rose 46 percent from 1947 to 1949, the 1960 average daily wage for migratory workers actually showed a decline for such workers. The average was \$6.90 in 1952, \$6.40 in 1954, \$8.05 in 1956, \$6.45 in 1957, and \$6 in 1959.

The Senate wage amendment is a very moderate provision. If it were functioning this year it would mean that the lowest wage permitted to be paid to Mexican workers in the principal States which would use them would be as follows—I ask Senators to pay attention to the moderation of the minimum which could be paid to Mexican workers—Texas, 70 cents an hour; California, 87 cents an hour; Arkansas, 65 cents an hour; Arizona, 87 cents an hour; New Mexico, 76 cents an hour; Michigan, 87 cents an hour.

Mr. President, the distinguished Senator from North Carolina has said, "This program does not affect us." I should

like to say that it does affect the State of North Carolina. The program certainly affects the State of North Carolina and a number of other States which do not employ bracero labor. It affects them because, as I showed last night, in the case of lettuce, in the case of strawberries, and in the case of tomatoes, what has happened is that the bracero labor is used to produce these products at a far lower cost under conditions which, in my judgment, amount to unfair competition in the western part of our country, and therefore the prices have declined in the eastern part of our country, so the farmers of Georgia, the farmers of North Carolina, and the farmers of South Carolina have suffered.

The fact is that the spring lettuce crop is grown now in Arizona and California largely with foreign labor. The lettuce crop in North Carolina, South Carolina, and Georgia is produced with domestic labor. Over the past 6 years, production in the Western States has risen, while production in the Eastern States has dropped. There has been a clear downward drift in the average price for both the eastern and western crops. The average price per hundred-weight for eastern lettuce has declined 35 percent to \$3.88 for 1959 and 1960, and the corresponding price for western lettuce went down 15 percent to \$3.50. Precisely the same pattern has developed for strawberry and tomato farmers—massive bracero competition, lower prices, and curtailed production for domestic farmers.

The VICE PRESIDENT. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. Mr. President, I reserve the remainder of my time.

The VICE PRESIDENT. The proponents have 15 minutes remaining and the opponents have 16 minutes remaining.

Does any Senator yield time?

Mr. JORDAN. I yield to the distinguished Senator from Florida.

The VICE PRESIDENT. How much time does the Senator yield?

Mr. HOLLAND. May I have 4 minutes?

The VICE PRESIDENT. Does the Senator from North Carolina yield 4 minutes to the Senator from Florida?

Mr. JORDAN. I yield 4 minutes to the distinguished Senator from Florida.

The VICE PRESIDENT. The Senator from Florida is recognized for 4 minutes.

Mr. HOLLAND. Mr. President, I ask for the attention of the distinguished Senator from Wisconsin.

My friend from Wisconsin reiterates the fact that there is no labor shortage. He could not be more wrong than in that assertion. Very briefly, I wish to state the facts. The mere restatement of his position by the Senator from Wisconsin time after time after time during the debate does not make it so. The best refutation of that fact is that in my own State, in which relatively high agricultural labor rates are paid—\$1.29 is shown to be the average per hour for the citrus industry and better than \$1 per hour in the vegetable industries—the Secretary of Labor requires the State

to maintain recruiting offices and to make very active recruiting efforts—which is true also of other States—as a condition to his ever certifying that there is a shortage, so that labor may be obtained from the Bahamas, the Barbados, and Jamaica.

Every year, after we have made an exhaustive effort to recruit domestic labor, under paying conditions that are much better than the ones the Senator from Wisconsin has been discussing, and with living conditions that are much better than the ones about which the Senator has been talking, we have found ourselves unable to obtain an adequate supply of domestic labor to do the class of work required, which is largely field stoop labor.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. HOLLAND. I will be happy to yield in a moment.

The plain fact is that every Secretary of Labor, since my knowledge of this problem began approximately 20 years ago, has been extremely reluctant to certify that we could get this offshore labor. The Secretaries have required us to go to lengths that I have sometimes thought were unusual before they were willing to make such a certificate. But every year they have had to come to the conclusion that, in spite of our best efforts and in spite of offers made which certainly exceeded any of the figures in all conditions of work which the Senator has talked about, we were unable to get domestic labor to supply our needs, and are from year to year unable to get it.

Whereupon all the Secretaries of Labor, from the beginning of the program down to Secretary Michell, who most recently was Secretary of Labor, have had to certify that there was a shortage and that we could get so many thousands of laborers who would be brought in from the British West Indies. I do not see how the Senator can possibly avoid the conclusion that there is a demonstrated shortage of the type of labor about which we have been speaking.

I yield to the Senator from Wisconsin.

Mr. PROXMIRE. I ask the Senator from Florida how many braceros are employed in Florida. The Senator from Florida has told us over and over again that no braceros are employed in Florida. The program we are talking about is the bracero program. We are not talking about the importation of foreign labor from Barbados or other areas. We are talking about Mexico.

Mr. HOLLAND. The Senator from Wisconsin is correct. We do not employ one bracero. But we employ domestic labor from the United States in much greater number than those about whom the Senator has been talking. That domestic labor comes from exactly the same source of supply that the domestic labor that goes into the Southwest comes from. I say that it is demonstrated beyond any peradventure of a doubt—and I do not see how the Senator can cavil about it—that there is a shortage of the class of labor about which we have been talking. There had to be demonstrated such a shortage year after year before



we could bring in, as we have brought in every year now for 20 years, sizable numbers of laborers from the West Indies.

Mr. PROXMIRE. Mr. President, will the Senator yield at this point?

The VICE PRESIDENT. Does the Senator from Florida yield and, if so, to whom?

Mr. HOLLAND. I yield to the Senator from Wisconsin, if I may have additional time.

Mr. JORDAN. I yield 2 additional minutes to the Senator from Florida.

Mr. PROXMIRE. The position on my side of this case is that there is a shortage of labor when wages are very low. What we are trying to do is to provide, through the McCarthy amendment, a minimum wage for the braceros in Texas of 70 cents and in California 87 cents, but in no case more than 87 cents per hour. That is what we are trying to do. If wages are higher in Florida, God bless you. But that is totally irrelevant. It has nothing to do with areas that do employ braceros.

Mr. HOLLAND. The Senator from Florida has cited the fact, and it is a fact, that Florida employers pay rates well above those cited by the Senator to some domestic labor supply sources. The point the Senator from Florida is making is that since there is a demonstrated domestic farm labor shortage even with those better working conditions and better wages, there is also at least as much of a shortage where conditions and wages are not as good. How the Senator can possibly bring his mind to come to the conclusion that there is not a demonstrated shortage of labor under those conditions which have been shown to exist year after year, I do not see.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JORDAN. Mr. President, I yield myself 3 minutes.

I am thoroughly in sympathy with higher wage scales not only for domestic labor, but also migratory labor.

But the facts are, as shown by the Department of Agriculture, that in California, where the second highest number of braceros are hired, the rate last year was \$1.25 an hour, which is 10 cents above the present national minimum wage which was approved by the Senate.

I am not saying that the wage is adequate, or anything about it. But the amount paid is still greater than the amount provided by the minimum wage law for those covered by it. In the State of Washington the rate is \$1.30 an hour. In the State of Michigan the rate is \$1.08 an hour. In Illinois I understand the rate is \$1.12 an hour. I do not think the wage scale has a great deal to do with the problem in the States of California, Michigan, and Washington. If there were sufficient domestic workers available, and they could be attracted through those wages, employers would not pay the expense of bringing Mexicans from Mexico to their farms in order to work.

In reply to the contention that if the program should expire it would make very little difference, I wish to point out that, according to Department of Labor

statistics presented at the hearings on the bill, 65,000 Mexican workers were employed in January of last year. In February there were 60,000. In March there were 60,000, and in April 70,000 were employed.

It is true that in January, February, and March not as many workers are employed as in the middle of the season. But 65,000 are a good many workers. They evidently were needed or they would not have been brought in.

The bill provides that no farmer can get any Mexican labor until he has proved to the satisfaction of the Secretary of Labor that he cannot secure domestic labor. The plan operates entirely at the discretion of the Secretary of Labor, and it is up to him to determine whether the Mexican labor is needed or not needed.

The law provides also that reasonable efforts must be made, through the employment offices and all the facilities that have been set up, to attract and employ American labor before any braceros can be certified.

I know that the program is not perfect, but it is the best we can get to improve what has been done over a number of years. Perhaps in future years the program can be improved further. Perhaps at some time we shall not need to bring Mexican labor into our country. I do not know. I hope that the time will come when we shall not have to do so. I hope that our domestic workers can be used and can remain at home.

One other point I wish to mention is that Mexican labor is used only seasonally, usually during the short periods of harvest.

On page 7 of the hearings it is pointed out that, without the Mexican laborers, domestic migrancy is increased in the areas in which the seasonable crops are planted. There is a short period of time that it takes to raise the crop—say 3 or 4 months. Then the crop is completed. After the crop is completed, there is nothing further for the workers to do for 6 months, and so they move. A certain amount of labor, it was pointed out, can live in the area the year round in order to do the necessary plowing, planting, irrigation, or other operation. There is work the year round for a reasonably large group of people. But when the seasonal crop comes in, additional people are needed to move in, and some remain 2 weeks, some a week, and some a month. They are not in the area for any protracted period of time. For example, as the season changes in California, the workers move from the South, where it is warm, to the North. California is a State of great length. Week after week the workers move as the harvest moves.

The same process takes place in the planting of wheat. Such labor used to be employed in the harvest of wheat, but it is seldom used in the wheatfields any more because the operations are all done by machinery, and few workers are needed.

Mr. President, I yield 2 minutes to the distinguished Senator from California [Mr. KUCHEL], in which States a great many braceros are employed.

Mr. KUCHEL. I thank the Senator.

Mr. President, the Senator from Wisconsin has asked us to put this conference report down the drain. I suggest that if we follow the Senator from Wisconsin, we shall inevitable put down the drain also many, many small American farmers as well.

For 10 years the Government of the United States and the Government of Mexico have had an agreement on a source of temporary additional farm labor.

That agreement provides for the temporary use by American agriculture of Mexican nationals in those instances, and only in those instances, when the Secretary of Labor in the Government of the United States determines that there is not available American domestic labor to aid the farmer in harvesting his crops.

It has been blithely suggested in the debate that we ought really to have thrown this conference report over until next year, because it would not matter to have the law expire, as it will on December 31. Take it up next year, some say. For the RECORD I wish to tell my colleagues in the Senate that we have a winter growing season in California and elsewhere in our country. In parts of my State we harvest lettuce between December and April, of a total value of about \$25 million. We have a great orange crop. A substantial portion of it is harvested in the winter.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. JORDAN. I yield 1 more minute to the Senator from California.

Mr. KUCHEL. We harvest lemons in the winter. We harvest cauliflower in the winter. We harvest grapefruit and cantaloupes in the winter. We harvest carrots and tomatoes in the winter. I submit to my colleagues in the Senate that this supplemental labor legislation is necessary. It is a program which ought to be approved by the Senate today. It is a program which, if it is not approved, will sound the economic death knell to many small farmers in America, who will be unable to find, anywhere, people to help them at harvest time.

I said the other day, and I repeat now, that there ought to be a national minimum wage for agriculture. Incidentally, that is the official position of the Republican Party in my State. It ought to be set by the Congress. Congress did not do it when we had wage legislation before us. No one on the floor of the Senate rose and offered an amendment to provide for a national minimum wage for agriculture.

The VICE PRESIDENT. The time of the Senator has again expired.

Mr. JORDAN. I yield 30 seconds to the Senator from California.

Mr. KUCHEL. It is alleged by those who oppose the conference report that we ought to provide that the Secretary of Labor shall determine a national minimum wage for Mexican nationals. That argument, engaged in by those who oppose the conference report, is specious. The Senate in 20 minutes from now ought overwhelmingly to approve the



conference report. We owe no less to the American farmer.

Mr. ERVIN. Mr. President, will my colleague from North Carolina yield me 30 seconds?

The VICE PRESIDENT. All time of the Senator from North Carolina has expired.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute to answer the Senator from Florida [Mr. HOLLAND]. The fact is that if we pay 35 or 50 or 65 or 70 cents an hour, we are bound to have a shortage of labor. However, if we pay enough, we can get Americans to do any kind of job. Americans do the toughest kind of work. They work in the coal mines and in the steel mills. They work as sandhogs, and they will work at almost any kind of labor provided they are paid properly.

If there is a simple truism in classic economics, it is the law of supply and demand; that if it is impossible to get enough workers at a certain wage, that wage must be raised. My position is that we can solve the shortage of domestic labor at a time when we have 1,400,000 people out of work. It can be solved by paying a decent wage, sufficiently high to secure these workers.

Mr. President, I yield 5 minutes to the Senator from Illinois.

Mr. DOUGLAS. Mr. President, the conference report virtually abandons any effort to protect the most exploited group of workers in the United States, namely, the migratory workers. These are admittedly the most poorly paid, the most poorly housed, the most socially ill-treated class in America. One reason—but not the only reason—for the very bad conditions which prevail among this class of workers is the fact that the labor market for migratory workers is overflowed by the annual importation of approximately a half million migratory workers from outside the Nation, of whom the Mexican workers, under Public Law 78, form approximately two-thirds.

These poor people come into the country. They can be hired for low wages. Public Law 78 makes some slight effort at protection by fixing their minimum wage at 50 cents an hour, but that is very inadequate as the labor supply of Mexican migrants increases, the entire wage level of the migratory workers goes down. This is one of the reasons why these people are in so bad a plight.

Always there is heard the piteous plea about the small farmer and that has been raised in this debate. It is not the small farmers who hire these migratory workers. They are hired on the big ranches, in the big plants at times, and the big vegetable growers.

Of course, the State of Texas is the largest user of migratory labor. California, Arkansas, and certain Southern and Southwestern States are also big users.

What we are trying to do is turn down the conference report and then, if that is done, as we hope it will be done, to pass another resolution creating another conference committee and instructing them to ask for a new conference, and to defend the McCarthy

amendment in so doing. The McCarthy amendment is a very simple amendment. It provides that the Mexican labor brought into this country shall receive 90 percent of the wages paid unskilled labor either in the Nation or in the area, whichever is lower. It is not a blow at Mexican labor—Mexican labor is permitted to come in—but Mexican labor is not permitted to drag American labor down to the low standard of living of Mexico, but, rather, to raise the Mexican labor to the level of the American standard.

A nation can largely be judged by the attitude it takes toward the least fortunate. We are perfectly aware that the migratory workers have very little political power. They do not acquire residence eligibility. They move about so constantly that they are voteless. The migratory laborers imported from Mexico are also entirely voteless. They do not have political power. It is sometimes thought, therefore, that their needs and interests need not be paid attention to.

The American way of life at its best has never been purely materialistic. There has always been an element of idealism in American life. I do not believe we should reverse that tendency now. The Senate—and, I am frank to say, my party—will in part be judged by the coming vote on the conference report.

The VICE PRESIDENT. The time of the Senator has expired.

Mr. PROXMIRE. I yield 30 additional seconds to the Senator from Illinois.

Mr. DOUGLAS. During the last election the Mexican-Americans formed "Viva Jack" clubs, which gave great support to our President in the Southwest, and in California, and in my State of Illinois. They did so under the impression that the Democratic Party would protect the interests of their people. If the power structure of the Senate turns its back upon these people and upon the pledges which were made to them, it will be a sad day for them, for the Nation, and for the party to which I am proud to belong.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the distinguished Senator from Oregon.

Mr. MORSE. Mr. President, I completely associated myself with the arguments of the distinguished Senator from Illinois [Mr. DOUGLAS], the distinguished Senator from Wisconsin [Mr. PROXMIRE], and the distinguished Senator from New York [Mr. KEATING].

As I said last night, if the conference report is rejected, I shall then move that the conferees be sent back to conference with instructions to have the McCarthy amendment included.

I wish to buttress what the Senator from Illinois has just said. I made the statement in my major argument last night. On June 13 of this year, the administration spokesman, the Secretary of Labor, Mr. Goldberg, testified on this subject. He said that Public Law 78 needs to be amended to clear it of its abuses in its present form. It is a strike-busting law; and this adminis-

tration is against strike busting in any field, particularly in the field of the most exploited group of workers in this country—the itinerant workers.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the distinguished Senator from New York.

Mr. KEATING. Mr. President, in the light of the remarks just made by the Senator from Oregon, I think we can say that the chips will be down on this vote. This will be the only opportunity for the Senate to reiterate its action in voting for the McCarthy amendment. This will be a key vote. There will be no further opportunity to support the McCarthy amendment unless the conference report is rejected.

The other body seems to be perfectly willing to reject a conference report to which the Senate has agreed; so we need have no hesitation in this case because of any feeling about the other body.

As regards the McCarthy amendment, we are only talking about those areas where Mexican workers are employed. The fact-finding body includes one of our distinguished former colleagues, Senator Thye, of Minnesota, an able man, but one who has never been charged with being a flaming liberal. He and the other distinguished members of the study group have shown there are indications that there is employer preference for Mexicans over domestic workers. Therefore, their report went on to say, domestic workers have been migrating to other areas of employment. The fact is that the low labor rate which is paid to Mexican workers depresses the rates for domestic workers and has caused much of this movement.

There is deep-seated concern in this country among church groups and others. They have expressed a deep-seated concern about the plight of the migrant workers. These migrant workers are the successors of the "Okies"; they are the men, women, and children who travel in dirty buses to live in rundown camps; who do the hard work of harvesting America's food and fiber. That is what the film "Harvest of Shame" related to. More than anything else, the availability of Mexican labor has since 1951 has made it tough for the American migrants to live decently.

The farm labor market is glutted. This captive labor force has depressed wages in a number of key areas throughout the Nation. It has resulted in building up our farm surpluses in some crops. It has hurt farmers in areas in which basic minimal protection and assistance is provided to farmworkers by the payment of a living wage.

We who favor the proposal of the distinguished Senator from Minnesota [Mr. MCCARTHY] and are concerned about this situation are not asking for any sweeping Federal powers to deal with the dilemma. We do not even ask for an end to the use of the braceros. If proper protection were afforded American workers, the junior Senator from New York would have no objection to voting for the program.

All we say, first, is: Do not bring in the Mexicans unless there is a true need for them. Second, do not bring in the Mex-



icans merely to take the jobs of American citizens and to depress wages and working conditions in the United States. That is exactly what has been taking place. Many braceros, who work in various parts of the country, particularly in California, already receive more than 90 percent of the national average wage.

The McCarthy amendment is our only way to improve the bill. It is not a radical amendment; it simply affords a little protection to American citizens at a time when unemployment in the United States is already high.

I hope the conference report will be rejected.

Mr. PROXMIRE. Mr. President, I yield myself the remainder of my time.

What the proponents of the McCarthy amendment are asking is simply that the conference report be rejected, so that the conferees can be instructed to return to conference and demand the inclusion of the McCarthy amendment. We do not ask that the program go down the drain. We are asking for the kind of reform which the administration has said is necessary if the program is to warrant continuation.

It has been documented, by the hour, that this program without reform can only hurt the migratory workers and can only hurt the great majority of American farmers.

Only one farm organization favors the continuation of the program in substantially this form. The Grange opposes this program without substantial and significant reform and improvement. The Farmers' Union, an organization traditionally representative of farmers, recognizes that this program has hit and hurt the American farmer.

In the production of lettuce, strawberries, and tomatoes, in area after area, the family farmer who does not employ braceros has found his prices going down and his market diminishing, and his income dropping because of the high bracero competition. There is no question about it.

The argument has been made, over and over again, that there are not enough American workers available, and that the Secretary of Labor must certify that there is a shortage of labor before the braceros can come in. The fact is that the big producers are able to control the situation with regard to labor by keeping wages down. But if wages are adequate and the workers are paid enough, the producers can get American workers.

It has been said that if the program is not extended in its present form, we will have the wetback problem again. The outstanding authority on immigration is the Commissioner of Immigration, appointed by President Eisenhower, and reappointed by President Kennedy. He has said, in a letter to the Senator from Minnesota [Mr. McCarthy], that the bracero program did not retard wetbacks; it did not have any effect on wetbacks. Not a scintilla of justification has been offered for the oft-repeated contention that the alternative to this program is the influx of thousands of illegal Mexican aliens.

It has been argued that this program is necessary in order to protect Mexicans and to assist Mexico. If it is necessary to assist Mexico, it should be done in the way we are assisting other countries through the foreign aid program, which is imposed on all American people, not on the backs of farmworkers and small farmers.

If it is to protect Mexicans, then the McCarthy amendment increasing Mexican minimum wage should be adopted.

To sum up, the fact is that so far as the workers in the United States are concerned, the farmworkers, the most depressed, with the lowest income, the most exploited people in our economy, so far as the 98 percent of farmers who do not employ braceros are concerned, and so far as the taxpayers, who will suffer from a surplus of agricultural production, and so far as the public interest is concerned in any humane consideration, it seems to me that the very least the Senate can do is to reject the conference report and support the Morse motion, which will be to instruct the Senate conferees to return to conference and insist on the inclusion of the McCarthy amendment.

Mr. President, I ask unanimous consent that excerpts from a pamphlet prepared by the Catholic Council on Working Life relating to the bracero program, from a Grinnell College study entitled "Migrating Workers in America"; from the final report of the Oregon Bureau of Labor, an article from the Sunday, July 16, 1961, New York Times, entitled "Arkansas Field Pay Falls to 30 Cents an Hour"; a letter from Congressman COHELAN printed in the May 21, 1961, Washington Post; and an editorial from the New York Times, entitled "Labor From Mexico," be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EXCERPTS FROM "TOWARD A NATIONAL POLICY FOR MIGRANT LABOR"

#### A SPECIAL PRIVILEGE

Further handicapping any movement to stabilize migrant workers is a special privilege enjoyed by employers, particularly those in Texas, California, Arizona, New Mexico, and Arkansas. In these States the hiring of farmworkers does not operate under normal labor market conditions. Through a program begun during a World War II shortage of farm labor and continued under U.S. Public Law 78, the U.S. Government has brought in an increasing number of foreign workers to fill the growers' demand for labor from 200,000 in 1951 to 450,000 in 1959. The Government acts as a recruiting agency and a hiring hall.

Because of this ready supply of cheap labor, farmers and growers possess minimum economic compulsion to improve working and living conditions or to provide steady work in order to attract workers. During a labor shortage in industry, for example, employers bid against each other for available workers by offering better working conditions and wages. But in agriculture, as long as Mexican nationals are available to labor at wages and working conditions which domestic workers are unwilling to accept, the economic pressure to raise migrant standards is practically nonexistent.

Farm wage statistics support this dismal economic diagnosis.

Monsignor George G. Higgins, director of the Social Action Department of the National Catholic Welfare Conference, said that "studies of the Bureau of employment security show that wage rates in crops for which Mexicans are employed do not move upward at a rate corresponding with the general trends in farm wage rates."

#### "THE BRACERO PROGRAM"

"Between 1953 and 1958, the hourly farm wage rate in the United States increased 14 percent, according to the Department of Agriculture. An examination of wage surveys made by State agencies in areas using Mexican nationals showed that the average rate paid to domestic workers in these areas remained unchanged or decreased in three-fifths of the cases."

"During the past decade the wage differential between agriculture and industry has been widening steadily, and it may be inferred that the use of foreign workers in agriculture is partly responsible." Monsignor Higgins was a member of a special four-man committee, appointed by the U.S. Secretary of Labor, to study the impact of the bracero program upon the U.S. economy and its workers.

Secretary of Labor Mitchell argued in the same vein: "We are told that competitive forces do not operate in an economy where an employer can create a false labor shortage by offering unacceptable wages, and then receive foreign workers to bring in his crops. As long as the working of supply and demand can be nullified by artificial wage rates that induce artificial labor shortages which are remedied by the use of foreign workers, we can expect a continuation of low wage levels."

Mitchell's position was supported by a California grower, Frederick S. Van Dyke, who owns a 900-acre farm in San Joaquin County: "In the urban fringes of Stockton, I found hundreds of permanent residents of my country who had at one time picked tomatoes. How could I continue to believe 'Americans won't pick tomatoes.' I had to face the question, 'Why are most of these people no longer picking tomatoes?' The answer came back to me very clearly: tomato picking wages are set at a level at which most braceros can survive but most domestic workers cannot. Upon further reflection, it seemed to me very clear that the principal reason tomato picking wages were low was that tomatoes were being overproduced; and the principal reason tomatoes were being overproduced was that we growers had an oversupply of cheap labor placed on our doorsteps by the U.S. Government, under Public Law 78."

#### NO DECREASE IN MIGRANTS

The unbalancing effect of the foreign labor program upon the supply and demand for farm labor is evident in farm population statistics. During the last 2 decades, while general farm population declined about 30 percent and the number of hired workers declined 23 percent, the number of farm migrants, including foreign workers, remained the same at 1 million. However, had there been a normal farm labor market in operation during these 20 years, the size of the migrant army would have shrunk considerably. Instead, the 500,000 Americans who did leave the migrant labor stream were simply replaced by 500,000 workers from abroad.

In the big bracero-using States, if the present trend is left undisturbed, more foreign workers and fewer domestics, with perhaps the exception of Puerto Ricans, will be employed. And as mechanized agriculture marches forward, all of these workers will



be employed for even shorter periods of the year.

In other States where braceros are not a major factor, and where the number of the migrant farmworkers has declined over the past 20 years, more normal family and working conditions have developed. The experience of southwestern Michigan's fruit growing counties is typical. Thousands of migrant families have settled there, taking jobs as cannery or factory workers, highway and railroad maintenance men, cemetery employees, deliverymen, domestics, and seasonal farmworkers. Without implying that all their problems have been solved, it can be said that their children now attend school regularly, and their families have a stable place which they can call home.

#### NEED FOR A NEW NATIONAL POLICY

At the present time congressional policy toward Public Law 78 is largely determined by Washington's powerful farm lobby, which is primarily concerned with guaranteeing growers an adequate supply of labor at the right time. The farm lobby's position is dominant simply because there is no national policy which, on the one hand, would give domestic migrants the opportunity to enjoy normal family life and to obtain wages, hours, and working conditions as close as possible to those in industry and which, on the other hand, would ease the worries of growers and canners for reliable and experienced workers. If such a national policy were developed and implemented, the pressure for importing farmworkers from abroad would fade.

#### EXCERPTS FROM "MIGRATORY AGRICULTURAL WORKERS IN THE UNITED STATES"

Public Law 78 is intended to assure a farm labor supply for peak seasonal needs and also to protect domestic workers from the adverse effects of competition with foreign labor. In practice, it appears from data from numerous sources that the second purpose is too often sacrificed to the first. Those persons seeking workers have tremendously more influence with Employment Service personnel than do those seeking work. The 50 cent per hour minimum stipulated for braceros, with no minimum for domestic workers, short-tethers domestics' wages to that figure wherever the bracero supply is abundant, and indirectly also in areas more distant from Mexico. The authors feel that the second purpose of Public Law 78 needs more influence with Employment Service protection in terms of working and living conditions similar to those given to foreign workers should be offered to domestics. The annual worker plan should be extended to assure maximum employment opportunities to domestic workers and to decrease the paper labor shortages which reportedly bring many Mexican nationals into the United States each year.

Americans operating family-size farms need to be made aware of their competitive position in relation to the large growers who employ great amounts of low-cost labor, both domestic and foreign. Growers employing migrants should be informed of the benefits to themselves of crop diversification, both in terms of the distribution of crop risks and of maintaining a stable labor supply. Encouragement should also be given to the growers to utilize their organizations more for purposes of produce marketing agreements and less for delaying the improvement of the migrants' situation. Obviously a humanitarian appeal alone will not suffice; the advantages of having available ambitious, healthy, self-respecting workers must be emphasized.

#### EXCERPTS FROM REPORT OF OREGON BUREAU OF LABOR

##### THE QUESTION OF MEXICAN NATIONALS

The legislative interim committee in its report of October 15, 1958, summarized the Oregon experience that year in the use of the Mexican nationals under a treaty contract with the Republic of Mexico:

"It was hoped Oregon would not need Mexican nationals in 1958. This was not possible. The interim committee, in its Medford hearing, received a detailed report of the decision to bring in Mexican nationals to help with the 1958 pear harvest. This is the only region using Mexican nationals in Oregon in 1958. The considerable efforts of the employment service to secure an adequate labor supply of domestic workers failed to produce the needed stable working force. Of the many persons referred to the Medford area by the employment service, many proved to be very irresponsible and did not report for work or did not stay on the job. The housing is predominantly for single men, which limited the attractiveness of the pear harvest for family groups. Also, some migrants do not like to work in the tree fruit. As a result of the labor shortage, 199 Mexican nationals were brought in. The cost of each national averages \$80 to \$100 for the pear grower, which the grower seems willing to pay. Thus, in Jackson County the 40 farm operators who control more than 8,000 acres, or about 57 percent of Oregon's \$19 million pear crop, had established good housing for single men but had not established enough family housing facilities nor satisfactory recruiting patterns to harvest their crop without foreign labor in 1958."

This is the essential outline of the Oregon situation. We have already commented on the unfair competition of Mexican nationals in holding down farm wages all over the country—a situation in which all the farmer needs to do to ease a shortage of labor is to import more workers instead of letting wages rise and conditions improve to the point that more domestic labor is available.

Without getting into the international complications, nor commenting on whether or not the contract with the Republic of Mexico should or should not be renewed, it does not appear reasonable for one of the highest farm-wage States in the country to have to import Mexican nationals.

With reference to Medford's recruiting problem, other areas which formerly depended upon Mexican nationals have solved their recruiting problems sufficiently to get their crops harvested by domestic labor. If Medford cannot do it, then the reason appears to lie in the type of housing the community has available or the lack of spirit and imagination in recruiting, or both.

Here are some pertinent questions to be asked fruitgrowers of Jackson County when they maintain that they cannot get adequate qualified people. These questions might be asked all farmers who use foreign labor:

1. What planning has the pear industry done to make the expedient of using foreign workers unnecessary in the near future?

2. Reports indicate that the migrants who travel in family groups are more reliable than the migrants who travel as singles. The reports also indicate the same is true of the crews who work under crew leaders. If this is the situation, what has the Jackson County area done to recruit and attract this type of worker?

3. What programs have been developed by the growers and the community to make the area attractive to the domestic migrant (re social welfare, recreation, community attitude of welcome, church and school programs, etc.)?

4. If wages are insufficient to attract farmworkers, notwithstanding any other handicaps, is a change indicated? If inflexibility in prices is responsible for inflexibility in wages, what suggestions does the industry have for breaking the wage-price stranglehold on their economy, so that neither the worker nor the farmer need suffer an unfair standard of living?

##### INTERVIEWS WITH THE NATIONALS

As a point of interest, we talked to a number of the Mexican nationals in the Medford (Jackson County) area to find out what they thought of their work, their opportunities, and their background. The following is a brief résumé of that survey:

Results of the tallying from questions on a special supplement migrant interview form for the nationals at Medford. Total of 74 interviews, with 10 questions each.

1. What part of Mexico did you travel from?

Jalisco (southeast Mexico).....	51
Zacatecas (northeast Mexico).....	10
Michoacan (west Mexico).....	10
Tabasco (south Mexico).....	3
Guanajato (central Mexico).....	1

2. Are you married, single, divorced or widowed?

Married.....	56
Single.....	18
Divorced.....	0
Widowed.....	0

3. How many people do you support on your salary?

Two answered.....	11
Four answered.....	10
Four answered.....	9
Seven answered.....	8
Eleven answered.....	7
Thirteen answered.....	6
Nine answered.....	5
Fifteen answered.....	4
Three answered.....	3
Six answered.....	2
Average.....	5

4. Do you prefer to work in the State of Oregon? All "Yes".

Reasons:

Because of salary.....	61
Because of housing.....	10
Because nice people to work with.....	3

5. Do you intend to return to Oregon on your own?

Yes.....	71
Do not know.....	3

6. If you have such intentions, do you propose to return through California, Arizona, or Texas?

California.....	35
Arizona.....	31
Texas.....	5
Did not answer.....	3

7. Have you worked before as a bracero in this country? If so in what State?

Yes.....	73
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California.....	40
Arizona.....	16
Texas.....	11
New Mexico.....	4
Montana.....	2

No..... 1

8. About how much money do you expect to save this season?

Did not know.....	1
\$ 0.....	11
\$ 50.....	1



\$ 75-----	1
\$100-----	23
\$125-----	9
\$150-----	17
\$180-----	2
\$200-----	11
\$225-----	1
Average: \$134.	

9. How do you rate this labor camp in relation to other camps you have stayed in in other parts of the country?

Better-----	52
Small difference-----	18
Did not answer-----	4

10. About how much do you save a week and how much do you make a week?

Average saving \$30 from a salary of \$62. (In Oregon for only a few weeks.)

(1) All the nationals indicated they liked the work basically because of the money they were making.

(2) Some indicated that they work an average of 9 hours a day, Saturdays included.

(3) They all wanted to return to Oregon.

(4) There were some complaints as to the food. They felt it was not substantial in quantity and they could not get used to sandwiches for luncheon. The medical officer in charge of health at the camp confirmed that the most common physical complaint was stomach disorders, probably due to the change in diet.

(5) A few nationals made comments on the lack of freedom of movement after working hours. The camp was provided with guards and the camp entrance with a gate. No one was allowed in or out of camp without a permit. The workers were taken into town in groups to a few selected stores to buy needed clothing.

#### GENERAL COMMENT ON AGRICULTURAL SITUATION

The agricultural industry has demanded that Government supply more workers to meet labor shortages, instead of improving wages and conditions to attract more workers.

By being overanxious to supply foreign workers to the Nation's large farms, we have restrained basic economic forces to the detriment of the wages and conditions for domestic labor. The program has become a vampire bat feasting at the expense of our migrant and seasonal farmworkers.

The Nation must work itself out of this situation carefully, responsibly and gradually in order not to do an injustice to either our workers or our economy. Even while avoiding irreparable harm to the agricultural industry, however, there must still be sufficient pressure maintained on the industry to cause it to more energetically seek answers to the problems of its employees. The situation in California, Texas and Arizona, where thousands of Mexican nationals are used, is vastly more serious than in Oregon where only a few hundred are used. The Medford area in Oregon, which is the only area using nationals, must not escape the pressure on the total situation, however.

[From the New York Times, July 16, 1961]  
ARKANSAS FIELD PAY FALLS TO 30 CENTS AN HOUR

(By Donald Janson)

HEAFER, ARK., July 13.—John Morrison, 38-year-old migrant laborer from southeastern Missouri, dropped his hoe after 10 hours of chopping cotton on the J. E. Pollard farm here yesterday and collected \$3 for another day's work.

"Some places around here in eastern Arkansas are paying only \$2," the ex-soldier said. "Who can support a family by chopping cotton? We're leaving tonight for Michigan to see if we can find work in the cherry orchards."

His wife and their flushed 11-year-old daughter, who had weeded cotton under the hot sun all day alongside them, piled into their 1946 Buick along with the Morrisons' 8-month-old baby and 9-year-old daughter. The Missourian is one of nearly half a million American farm laborers who migrate each year to earn a living.

They come to Arkansas to thin and weed cotton in May, June, and July, only if they can find no other work. The prevailing wage rates posted in employment offices in the area, range from 30 cents an hour in some counties to 50 cents in others. Actual pay during most of the chopping season has been 30 cents this year.

#### MIGRANT FAMILIES COMPETE

The migrant families compete for these jobs with sharecroppers living on the cotton plantations, with field hands living in nearby small towns and urban centers such as Memphis, and with Mexican nationals brought in when there is a labor "shortage."

Because of the seasonal nature of the work, cotton growers need greatly fluctuating numbers of workers during the chopping season and for harvesting in August and September. Many more choppers are needed, for example, in June than in July. Thousands can be recruited in "day-haul" buses from Memphis.

Mexicans have been imported under contract for the last decade to insure a stable labor force throughout Arkansas' delta land. The program stems from labor shortages that existed in World War II.

Eastern Arkansas growers hired 31,300 braceros last year, more than any State except Texas and California. They paid them the legal minimum of 50 cents an hour for chopping cotton.

The House of Representatives recently passed a 2-year extension of the bracero law, which expires December 31. It permits importation of Mexicans only to relieve farm labor shortages.

The bill is now before the Senate Agricultural Committee. The administration is seeking to amend the law to limit imported labor sufficiently to assure active competition for domestic workers. Secretary of Labor Arthur J. Goldberg believes the importation program is at least partly responsible for keeping domestic wages in the cotton fields at near-starvation levels.

#### GOLDBERG GIVES VIEWS

"The nature and size of the Mexican labor program substantially interferes with the normal operations of the law of supply and demand in the labor market," he testified before a Senate subcommittee. "The inexorable result is to stabilize or depress the wages of our own farmworkers in areas where Mexican braceros are employed."

The "adverse effect" charge was restated in Memphis today by Frank E. Johnson, Assistant Director of the Department of Labor's Bureau of Employment Security. He was in Memphis to meet with Arkansas and Tennessee employment service officials to see if the situation could be improved. Opponents of the Mexican labor program contend that cotton growers are deliberately using it to keep domestic pay low.

About 315,000 Mexicans were brought to the United States last year. More were used in the cotton fields than for any other crop. Less than 2 percent of Nation's 4,000,000 farms use braceros and most of the users are large operators.

Cotton growers and other users of Mexicans vigorously oppose any change in the present law. One administration-backed proposal would provide that employers using Mexicans must pay them the statewide or national average rate for hourly paid farm labor, whichever is less, with a maximum increase in any one year of 10 cents an hour. The Arkansas statewide average, among the lowest in the Nation, is 73 cents an hour.

The effect would be to bring domestic rates up accordingly.

#### BUSINESS LOSSES FEARED

"We just couldn't do it and stay in business," said James F. Reeves, Jr., manager of the 11,000-acre Kuhn Cotton Plantation near here.

He cited the high cost of machinery and the unreliability of the weather in producing a crop. Workers, on the other hand, expressed doubt that the plantation would go into the red if they were paid more than the current 30 cents an hour.

Whether or not the Mexican program is amended, the Department of Labor intends to insist on wages for domestic cotton choppers that match the 50 cents minimum guaranteed Mexican workers.

The law authorizing importation of braceros provided that employers first make "reasonable" efforts to attract domestic workers at "comparable" wages.

An interpretation of this provision issued in May by Mr. Goldberg's office defined the domestic workers as able-bodied persons 14 years of age or over with the skill to do the job concerned. Cotton chopping is unskilled labor.

Mr. Johnson said he had come to Memphis to make it clear that this ruling would be enforced next year. But Arkansans were not convinced.

"It's a nonenforceable regulation," James L. Bland, administrator of the Arkansas Department of Labor's Employment Security Division, said in an interview. "We can't tell a man what he must pay."

Most growers prefer Mexican to American labor, he said, because only able-bodied adult males in fine physical condition are imported. Crews assembled locally include old men, women and children.

A survey made by Mr. Bland's office showed that only 24 percent of the workers recruited in the Memphis day-haul operation were 18 to 45 year-old men who could keep up with Mexicans in weeding cotton.

"The Americans willing to do this stoop labor for 30 cents an hour are the dregs of humanity," said Lloyd E. Curtis, manager of the State Employment Service Office for Crittenden County in west Memphis. He said they included derelicts as well as women and children.

#### FEW SEEK FIELD WORK

He remarked that, although unemployment was high in Arkansas and Memphis and all claimants for unemployment insurance were offered cotton-chopping jobs, few would take work in the fields. Those who do go, he said, are agricultural workers not covered by unemployment insurance, laborers who depend entirely on fieldwork and odd jobs for a living.

"You can't afford to pay for something you don't get," Mr. Reeves said. "You can't pay a \$3 worker \$5 a day and stay in business very long. It would benefit us to expand the Mexican program and eliminate the day-haul."

Opponents of the present bracero program contend that growers would get a better job from domestic workers if pay and working conditions were improved.

They cite California, where wages paid by users of Mexicans rose to \$1 an hour last year in some crops.

This helped to attract a domestic farm-labor force that State officials called the best in years. Peak employment of braceros dropped by about 10,000.

#### PRACTICE IN OTHER STATES

Other States, including Washington and Oregon, that formerly relied heavily on braceros, no longer use them, having found they could attract all the farm labor they needed by offering better wages and employment conditions for domestic workers.



Robert E. Brewington, a cotton grower here, stopped using Mexicans 2 years ago. He said that with adequate supervision domestic crews performed well.

Nor has he been troubled with shortages of labor for his 680-acre farm.

"I can always get enough day-haul labor anytime I want it," he said.

Mr. Bland expressed the viewpoint that if wages were raised to 50 cents an hour farmers would have to be selective in hiring domestics and "we would create a great deal more unemployment and have to have more Mexicans."

[From the Washington Post, May 21, 1961]

#### THE BRACEROS PROBLEM

In his letter of May 15, my distinguished colleague, CHARLES TEAGUE, of the 13th California District, defended the Mexican farm labor importation program as an anti-wet-back measure and a boon to the small farmers of the United States. He declared, further, that the amendments to the program proposed by the Kennedy administration—amendments designed to protect American farmworkers from unfair competition due to the mass importation of Mexican labor—are unnecessary.

Mr. TEAGUE represents a California district where braceros (imported Mexican nationals) are used in great numbers.

Although the Mexican farm labor program was not intended to displace domestic workers or to depress their wages, these results in fact have occurred. Department of Labor studies demonstrate conclusively that wages in the majority of areas where Mexican farm laborers are employed have not kept pace with the rise of farm wages nationally. In 1960 while over 300,000 Mexicans were imported into this country to work in the fields of California, Texas, New Mexico, and Arkansas, thousands of American farmworkers took to the road hunting jobs which would pay a living wage.

Furthermore, there is a basic inconsistency in the fact that the imported Mexican farmworkers are guaranteed wages and working conditions which our own farmworkers are not receiving.

Mr. TEAGUE attempts to justify the program on the basis that it is an antiwetback measure. He states that if the program were terminated, Mexican workers would enter the country illegally and be employed on American farms. This is more of a threat than an argument. Mr. TEAGUE's growers are telling the U.S. Government that if it reduces the number of braceros available for work on U.S. farms, they will hire Mexicans who enter the country illegally. Turning logic upside down, Mr. TEAGUE says that the best way to cure the wetback problem is to legalize the wetbacks.

I believe that if the Immigration and Naturalization Service is not adequate to the task of policing the Mexican border, it should be strengthened. I believe further, that if growers, or any other employers, presume to break our Nation's immigration laws by harboring and trafficking in "wetbacks," they should be punished under the provisions of the Wetback Control Act of 1952.

Mr. TEAGUE also contends that Public Law 78 is of inestimable help to the small farmer; indeed that many small farmers would be forced out of business if the program were terminated. On this question I would like to quote from a speech made in the House of Representatives by Representative MERWIN COAD, Democrat, of Iowa, on May 3:

"The bracero program may be of short-run value to those small growers who use Mexican labor. It is questionable, however, whether the program is beneficial in the long run to these growers. Considerable evidence has been accumulated which shows that the availability of Mexican labor causes

overproduction and a resulting decline in the prices these small growers receive for their products. The large grower who is able to increase his acreage—usually at the expense of the small grower who has been forced out of business—is not affected by this decline in prices.

I am certain that Mr. TEAGUE is aware of the fact that the bracero program is of no benefit whatsoever to those small farmers who hire no labor at all (54 percent), and to those farmers who hire domestic labor exclusively (over 40 percent). Less than 2 percent of all American farmers hire Mexican labor. No doubt there are some small growers among this 2 percent but compared to the vast majority of growers who do not use foreign labor, they constitute a miniscule minority.

Finally, I would like to correct one statement made by Mr. TEAGUE. In the last paragraph of his letter he stated: "You will note the Department of Labor agrees that the legislation should be extended for 2 years."

On April 24, Secretary of Labor Goldberg, speaking for the administration, said: "It is extremely important that the administration's position be understood: We are against any extension of Public Law 78 without reform."

It would be well for the proponents of Public Law 78 to consider all the ramifications of Mr. Goldberg's statement, and all aspects of this program.

JEFFERY COHELAN,  
Representative, Seventh  
District, California.

[From the New York Times, May 3, 1961]

#### LABOR FROM MEXICO

The time has come for the Federal Government to stop fostering the use of cheap foreign labor to the detriment of American workers. We refer to the program by which Mexican laborers are allowed to come into this country every year on a temporary basis to harvest the crops, mostly in the Far West and Southwest. These Government-authorized invasions, over 300,000 strong last year, have an adverse effect on the wages, working conditions, and employment opportunities of domestic farmworkers.

Public Law 78, which permits these incursions, expires at the end of the year. The Gathings bill (H.R. 2010), now before the House of Representatives, would extend its life as it is for 2 years more. But Representative COAD, of Iowa, has introduced a measure (H.R. 6032), strongly supported by the Kennedy administration, which also provides a 2-year extension, but in contrast to the Gathings bill would give American workers much needed protection.

It requires that before growers can employ braceros they must offer U.S. workers wages that are at least equivalent to average farm wages in the State or Nation, whichever is the lower. Growers would also have had to make reasonable efforts to attract domestic workers by offering them conditions of employment comparable to those required by the existing law. Mexican workers would be limited to seasonal and temporary manual jobs and their numbers could be limited by the Department of Labor so as to assure active competition among growers for domestic farmworkers.

The House Agriculture Committee has reported favorably on the Gathings bill and the Rules Committee has cleared it for action by the House. It should be killed—unless it is amended along the lines of the Coad bill. Its death would be unlamented except by the large-scale growers. They have used it to obtain an endless supply of seasonal farmhands who work without complaint under conditions far below decent American standards.

Mr. PROXMIRE. Mr. President, I yield the floor.

The VICE PRESIDENT. All time has expired.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The question is on agreeing to the conference report.

Mr. MANSFIELD. Mr. President, on this question have the yeas and nays been requested? If not, I now ask for the yeas and nays.

The VICE PRESIDENT. Is there a sufficient second?

The yeas and nays were ordered.

The VICE PRESIDENT. The question is on agreeing to the conference report. All in favor of agreeing to the conference report will vote "yea"; those opposed will vote "nay."

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BOGGS (when his name was called). On this vote I have a live pair with the Senator from Illinois [Mr. DIRKSEN]. If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

Mr. DODD (when his name was called). On this vote I have a live pair with the Senator from Mississippi [Mr. EASTLAND]. If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. HUMPHREY. I announce that the Senator from North Dakota [Mr. BURDICK], the Senator from Nevada [Mr. CANNON], the Senator from Idaho [Mr. CHURCH], the Senator from Pennsylvania [Mr. CLARK], the Senator from Mississippi [Mr. EASTLAND], the Senator from Alaska [Mr. GRUENING], the Senator from Indiana [Mr. HARTKE], the Senator from Missouri [Mr. LONG], the Senator from Minnesota [Mr. McCARTHY], the Senator from Michigan [Mr. McNAMARA], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] are absent on official business.

I also announce that the Senator from New Mexico [Mr. CHAVEZ] is absent because of illness.

I further announce that, if present and voting, the Senator from North Dakota [Mr. BURDICK], the Senator from Alaska [Mr. GRUENING], the Senator from Missouri [Mr. LONG], the Senator from Michigan [Mr. McNAMARA], the Senator from Utah [Mr. MOSS], the Senator from Oregon [Mrs. NEUBERGER], and the Senator from Massachusetts [Mr. SMITH] would each vote "nay."

On this vote, the Senator from Nevada [Mr. CANNON] is paired with the Senator from Pennsylvania [Mr. CLARK]. If



present and voting, the Senator from Nevada would vote "yea," and the Senator from Pennsylvania would vote "nay."

On this vote, the Senator from New Mexico [Mr. CHAVEZ] is paired with the Senator from Indiana [Mr. HARTKE]. If present and voting, the Senator from New Mexico would vote "yea," and the Senator from Indiana would vote "nay."

On this vote, the Senator from Idaho [Mr. CHURCH] is paired with the Senator from Minnesota [Mr. MCCARTHY]. If present and voting, the Senator from Idaho would vote "yea," and the Senator from Minnesota would vote "nay."

Mr. KUCHEL. I announce that the Senator from Vermont [Mr. AIKEN] is absent by leave of the Senate.

The Senator from Maryland [Mr. BEALL] and the Senator from Texas [Mr. TOWER] are absent by leave of the Senate to attend the Commonwealth Parliamentary Conference in London.

The Senator from Colorado [Mr. ALLOTT] and the Senator from Kansas [Mr. SCHOEPEL] are absent by leave of the Senate to attend the Interparliamentary Conference in Brussels.

The Senator from Maryland [Mr. BUTLER], the Senator from Indiana [Mr. CAPEHART], the Senator from Illinois [Mr. DIRKSEN], the Senator from Iowa [Mr. MILLER], and the Senator from Kentucky [Mr. MORTON] are necessarily absent.

The Senator from New Hampshire [Mr. BRIDGES] is absent because of illness.

The Senator from Connecticut [Mr. BUSH] is absent by leave of the Senate to attend the Conference of the International Fund and World Bank in Vienna.

The pair of the Senator from Illinois [Mr. DIRKSEN] has been previously announced.

If present and voting, the Senator from Colorado [Mr. ALLOTT], the Senator from Indiana [Mr. CAPEHART], the Senator from Iowa [Mr. MILLER], and the Senator from Kansas [Mr. SCHOEPEL] would each vote "yea."

On this vote, the Senator from Vermont [Mr. AIKEN] is paired with the Senator from Maryland [Mr. BEALL]. If present and voting, the Senator from Vermont would vote "yea," and the Senator from Maryland would vote "nay."

On this vote, the Senator from Kentucky [Mr. MORTON] is paired with the Senator from Connecticut [Mr. BUSH]. If present and voting, the Senator from Kentucky would vote "yea," and the Senator from Connecticut would vote "nay."

The result was announced—yeas 41, nays 31, as follows:

[No. 218]

YEAS—41

Anderson	Fulbright	McClellan
Bartlett	Goldwater	Mundt
Bennett	Hayden	Robertson
Bible	Hickenlooper	Russell
Byrd, Va.	Hickey	Saltonstall
Carlson	Hill	Smathers
Case, S. Dak.	Holland	Smith, Maine
Cooper	Hruska	Sparkman
Cotton	Johnston	Stennis
Curtis	Jordan	Talmadge
Dworshak	Kefauver	Thurmond
Ellender	Kerr	Wiley
Engle	Kuchel	Williams, Del.
Ervin	Long, La.	

NAYS—31

Byrd, W. Va.	Lausche	Prouty
Carroll	Long, Hawaii	Proxmire
Case, N.J.	Magnuson	Randolph
Douglas	Mansfield	Scott
Fong	McGee	Symington
Gore	Metcalfe	Williams, N.J.
Hart	Monroney	Yarborough
Humphrey	Morse	Young, N. Dak.
Jackson	Muskie	Young, Ohio
Javits	Pastore	
Keating	Pell	

NOT VOTING—28

Aiken	Chavez	McNamara
Allott	Church	Miller
Beall	Clark	Morton
Boggs	Dirksen	Moss
Bridges	Dodd	Neuberger
Burdick	Eastland	Schoeppel
Bush	Gruening	Smith, Mass.
Butler	Hartke	Tower
Cannon	Long, Mo.	
Capehart	McCarthy	

So the conference report was agreed to.

Mr. JORDAN. Mr. President, I move to reconsider the vote by which the conference report was agreed to.

Mr. KUCHEL. Mr. President, I move to lay that motion on the table.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on agreeing to the motion to table.

The motion to lay on the table was agreed to.

#### WASHINGTON SUNDAY STAR ARTICLE OVERSIMPLIFIES ACCOUNT OF EFFORTS TO RECRUIT MANPOWER FOR APPLE PICKING IN WEST VIRGINIA ORCHARDS

Mr. RANDOLPH subsequently said: Mr. President, in connection with the debate on the Mexican farm labor program, I call attention to an article in the Washington Sunday Star of September 17, 1961, indicating that unemployed persons in West Virginia were not sufficiently responsive to job opportunities in the apple orchards of the State's eastern panhandle section during the current apple-picking season.

Frankly, it is my view that the Star article was an oversimplification which did not reflect in sufficient degree the various elements of the problem involved.

As I understand the situation, the apple-picking recruitment effort was made primarily in southwestern counties of West Virginia where unemployment in that bituminous coal-producing section of the State has been persistent and chronic. However, this area of West Virginia is the farthest removed from the State's apple-growing region, involving travel of from 225 to 275 miles or more.

There are a number of reasons why efforts to recruit from this section for labor in the apple-growing country during the short picking season could not be expected to be successful.

Foremost is the travel problem, not only from the standpoint of distance but also from the standpoint of resources. Few of the unemployed in the southwestern portion of West Virginia have any resources remaining. Many of them have left home before in search of employment. Most of the older men in the jobless ranks have had totally negative experiences in their visitations else-

where seeking job opportunities, and I am told of numerous instances wherein they were stranded, totally penniless, away from home.

During the mid-1950's and up to the recession of 1958, a large number of the younger families moved out of southern West Virginia into the industrial areas of the East, Midwest, and Southwest, where employment was obtainable. Then came the 1958 recession. Lacking seniority in their places of employment, a high percentage of these transplanted West Virginians were among the first workers dropped from payrolls. Many of them found it to be necessary to return to West Virginia to be among home folk because they had become impoverished away from home while awaiting reopening of employment opportunities. They remained equally impoverished upon their return to West Virginia, but at least they were among home folk and in nonurban environments familiar to them.

Then, too, Mr. President, there is the consideration of the problem of living away from home during the short apple-picking season. Our unemployed persons in the southern area of West Virginia are not equipped, as are the regular migrant laborers, with house trailers or living facilities built on trucks. In fact, few of them have any vehicles of any kind in operating condition, and fewer of them have cash to pay for transportation or rents for quarters away from home.

Unemployment compensation was mentioned in the Star article as being a consideration which mitigated against jobless persons accepting apple-picking employment for a short picking season. My view, however, is that this was not a retarding factor in the degree the article indicated. Unemployment security benefit payments for most jobless persons in the region of primary recruitment long since have expired, even under the extended programs authorized by Congress and the State legislature.

What the Star article did not indicate as being a reason why few unemployed persons responded to the apple-picking recruitment campaign is perhaps the principal reason, namely this:

The State of West Virginia has in operation its temporary emergency employment program under which employable individuals who are jobless now are eligible. The State legislature changed the relief eligibility requirements to make employables eligible for participation in this dollar-an-hour work program on cleanup and other local public works programs. Likewise, a Federal-State agreement makes recipients of aid for dependent children eligible to participate in this works program. Therefore, many unemployed—perhaps over 15,000 by now—have this dollar-an-hour work in or near their own communities and prefer it to going more than 200 miles to the low-wage-paying, apple-picking jobs during a short season. The net income from low-paying work at home probably would exceed that net income from an away-from-home apple-picking job.











Public Law 87-345  
87th Congress, H. R. 2010  
October 3, 1961



An Act

75 STAT. 761.

To amend title V of the Agricultural Act of 1949, as amended, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That section 502(2) of the Agricultural Act of 1949, as amended, is amended to read as follows:

Mexican farm labor program. Continuation. 65 Stat. 119. 7 USC 1462.

“(2) to reimburse the United States for essential expenses incurred by it under this title, except salaries and expenses of personnel engaged in compliance activities, in amounts not to exceed \$15 per worker; and”.

SEC. 2. Clause (3) of section 503 of such Act is amended to read as follows: “(3) reasonable efforts have been made to attract domestic workers for such employment at wages, standard hours of work, and working conditions comparable to those offered to foreign workers”.

7 USC 1463.

SEC. 3. Sections 504 through 509 of such Act are renumbered sections “505” through “510” respectively; the reference to “section 507” in section 508, renumbered as section “509”, is changed to section “508”; and the following new section “504” is inserted after section 503:

“SEC. 504. No workers recruited under this title shall be made available to any employer or permitted to remain in the employ of any employer—

Restriction on employment.

“(1) for employment in other than temporary or seasonal occupations, except in specific cases when found by the Secretary of Labor necessary to avoid undue hardship; or

“(2) for employment to operate or maintain power-driven self-propelled harvesting, planting, or cultivating machinery, except in specific cases when found by the Secretary of Labor necessary for a temporary period to avoid undue hardship.”

SEC. 4. Section 505 of such Act, as amended, renumbered as section “506”, is amended by adding at the end thereof the following:

Illness or disability tax, exemption.

“(d) Workers recruited under the provisions of this title shall not be subject to any Federal or State tax levied to provide illness or disability benefits for them.”

SEC. 5. Paragraph (1) of section 507 of such Act, renumbered as section “508”, is amended by changing the comma after the words “Internal Revenue Code, as amended” to a period and deleting the remainder of the paragraph.

7 USC 1467.

SEC. 6. Section 509 of such Act, as amended, renumbered as section “510”, is amended by striking “December 31, 1961” and inserting “December 31, 1963”.

Extension date. 74 Stat. 1021. 7 USC 1461 note.

Approved October 3, 1961.



